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Tuesday
May 3, 1983

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Environmental Protection Agency

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Small Business Administration

Blood
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Food Grades and Standards
Agricultural Marketing Service

Geothermal Energy
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Investment Companies
Securities and Exchange Commission

Irrigation
Reclamation Bureau

Natural Gas
Federal Energy Regulatory Commission

Quarantine
Animal and Plant Health Inspection Service

Radio Broadcasting
Federal Communications Commission

Reporting and Recordkeeping Requirements
Securities and Exchange Commission

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Two-Day-a-Week Publication Program

The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See page 19283 in the **Federal Register** of Thursday, April 28, 1983.

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

Nonimmigrant Classes

Correction

In FR Doc. 83–8728 beginning on page 14575, in the issue of Tuesday, April 5, 1983, make the following corrections:

1. On page 14584, column one, § 214.2(f)(6)(i), line one, "postdoctural" should read "postdoctoral".
2. On page 14586, column two, § 214.2(f)(10)(ii)(A), line three from the top, "form" should read "Form".
3. On page 14590, column one, § 214.2(m)(17), line seven, "Number" should read "number".
4. On page 14590, column two, § 214.3(a)(1), line eighteen from the top, "Act:" should read "Act,".
5. On page 14590, column two, § 214.3(a)(2)(i)(A), line one, "and" should read "an".
6. On page 14591, column two, § 214.3(g)(2)(i)(C), line nine, "248.1(b)" should read "248.1(d)".
7. On page 14592, column two, § 214.4(a)(2)(x), line four, "24.2(m)(9)" should read "214.2(m)(9)".

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 82-070]

9 CFR Part 92

Ports Designated for the Importation of Animals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document, on an emergency basis, amends the regulations concerning ports designated for the importation of animals by designating International Falls, Minnesota, as a port for the importation of horses from Canada. This is necessary in order to eliminate unnecessary administrative activities, and to reflect the fact that a veterinarian is now available on a regular basis at International Falls, for port activities with respect to horses.

DATES: Effective date of this interim rule is May 3, 1983.

Written comments must be received on or before June 27, 1983.

ADDRESS: Written comments concerning this interim rule should be submitted to Thomas O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday to Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. M. R. Crane, Veterinary Services, APHIS, USDA, Room 840, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Background

Regulations in 9 CFR Part 92 (the regulations), with certain exceptions, require horses to be inspected and to be accompanied by certain documentation as a condition of entry into the United States from Canada. The regulations allow these horses to be imported only through designated ports listed or incorporated by reference in the regulations, or at ports designated for horses in special cases upon approval by the Deputy Administrator, Veterinary Services with the concurrence of the Secretary of the Treasury. This is necessary to ensure that the horses are imported at a place serviced by U.S. Customs, and to ensure that the horses are imported only at ports having qualified personnel for performing Animal and Plant Health Inspection Services (APHIS) inspections and making other APHIS determinations concerning whether horses meet specified requirements for entry into the United States.

This document designates International Falls, Minnesota, as a designated port of entry for horses from Canada.

Even though International Falls has not been listed as a designated port for any animals, upon request APHIS frequently has allowed horses to be imported at International Falls in accordance with the procedures established for allowing the importation of horses in special cases. Importers bringing horses from certain areas in south central Canada have requested that they be allowed to bring their horses into the United States at International Falls because it is more convenient than the nearest designated port of entry. The two nearest designated ports to International Falls are at Pembina, North Dakota, which is 225 miles to the west, and Sault Ste. Marie, Michigan, which is 600 miles to the east.

In the past APHIS has sent people considerable distances to conduct the necessary port activities for horses imported at International Falls. The nearest APHIS personnel have had to travel approximately 300 miles to process the importations. However, APHIS has now made arrangements for International Falls to be serviced on a regular basis by an accredited veterinarian who practices in International Falls and who is to be paid on a fee for service basis. International Falls already has regular U.S. Customs service for importations from Canada. Accordingly, it is necessary to designate International Falls as a designated port of entry for horses from Canada in order to eliminate the requirement that the Deputy Administrator approve each importation with the concurrence of the Secretary of the Treasury, and to reflect the fact that a veterinarian is now available at the port on a regular basis.

It was decided to designate International Falls as a port of entry only for horses because no unloading or holding facilities are available there to the government for handling other animals. Port activities for horses do not require unloading or holding facilities, since they can be easily unloaded and inspected in the open while being tied or hand held. Port activities for other animals require unloading and holding facilities.

Further, it was decided to only allow the importation of horses from Canada

at International Falls. It does not appear that there is a demand for importing horses from other than Canada at International Falls. Also, any horse from Canada not allowed to be imported could be turned back without the need for the use of facilities. However, it would be necessary to have holding and quarantine facilities for other international traffic in horses and International Falls does not have such facilities.

Emergency Action

Dr. S. T. Wilson, Jr., Director, National Program Planning Staffs, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, has determined that an emergency situation exists which warrants publication of this interim rule without opportunity for public comment at this time. This action is necessary to eliminate unnecessary administrative activities and to reflect the fact that a veterinarian is now available at the port on a regular basis.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C 553, it is found upon good cause that notice and other public procedure with respect to this emergency interim action are impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency interim action effective less than 30 days after publication of this document in the **Federal Register.** Comments will be solicited for 60 days after publication of this document, and this emergency interim action will be scheduled for review so that final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Executive Order 12291 and Regulatory Flexibility Act

This interim rule has been reviewed in conformance with Executive Order 12291 and has been determined to be not a "major rule." The Department has determined that this action will have an annual effect on the economy of less than $2,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512–1.

Certification Under the Regulatory Flexibility Act

Mr. James O. Lee, Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. It is anticipated that only approximately 50 importations of horses annually will be offered for entry into the United States from Canada through International Falls, Minnesota, as compared with more than 20,500 horses imported into the United States at all other Canadian ports. In addition, this action will be beneficial to importers by relieving them of unnecessary travel time and expenses.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Transportation.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

§ 92.3 [Amended]

Accordingly, § 92.3 in 9 CFR Part 92 is amended as follows:

1. The material after "Canadian border ports." is designated as paragraph (b)(1).

2. A new paragraph (b)(2) is added to read as follows:

§ 92.3 Parts designated for the importation of animals.

* * * * *

(b) * * *

(1) * * *

(2) International Falls, Minnesota, is designated as a port of entry for horses from Canada.

* * * * *

(Sec. 2, 32 Stat. 792, as amended, secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134c, and 134f; 7 CFR 2.17, 2.51, and 371.2 (d))

Done at Washington, D.C., this 27th day of April 1983.

K. R. Hook,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 83-11780 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

[Docket No. 83-043]

Restrictions on Importation of Horses From Italy

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document adds Italy to the list of countries from which or through which horses are prohibited importation into the United States because of contagious equine metritis (CEM). This action is necessary because CEM has now been found to exist in Italy, and restrictions on the importation of horses from Italy are needed in order to protect the livestock of the United States from the disease.

DATE: Effective date: The foregoing amendment shall become effective April 27, 1983, except for horses then in transit to the United States from Italy (i.e., loaded aboard a commercial carrier and en route to the United States).

Comments must be received on or before June 27, 1983.

ADDRESS: Written comments concerning this action should be submitted to T. O. Gessel, Director, Regulatory Coordination Staff, APHIS, USDA, Room 728, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 728 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Federal Building, Room 838, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8530.

SUPPLEMENTARY INFORMATION:

Background

On December 9, 1982, as interim rule was published in the **Federal Register** (47 FR 55388–55389), which amended § 92.2(i)(1) of 9 CFR Part 92 (the regulations) by deleting Italy from this list of countries from which or through which horses are prohibited importation into the United States because of contagious equine metritis (CEM). That interim rule was based on information then available to the Department which indicated that CEM did not exist in Italy.

Written comments were solicited in response to the interim rule, but none were received. However, since the interim rule was published, additional information has been received by the Department which indicates that CEM in fact does exist in Italy. Three Italian

mares recently were tested for CEM and found to be positive for the disease. These test results were confirmed on March 28, 1983. Based on these test results, which establish that fact that CEM does exist in Italy, this document amends § 92.2(i)(1) of the regulations by adding Italy to the list of countries from which or through which horses are prohibited importation into the United States. This action is necessary in order to prevent the introduction of CEM into the United States.

Executive Order 12291 and Emergency Action

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291.

Dr. Saul T. Wilson, Jr., Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim action. This amendment imposes restrictions on the importation of horses into the United States from Italy, and should be made effective immediately in order to protect United States horses from the introduction of CEM.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency interim action are impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency interim action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency interim action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Certification Under the Regulatory Flexibility Act

James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. Approximately 50 horses per year were imported from Italy prior to imposition of the CEM restrictions, and only 4 horses from Italy have been imported since the December 9, 1982, interim rule became effective and restrictions were lifted. This compares with approximately 6,000 horses imported into the United States each year from countries where CEM is known to exist and approximately 40,000 horses of all classes imported into the United States in Fiscal Year 1982.

List of Subjects in 9 CFR Part 92

Animal diseases, Contagious Equine Metritis (CEM), Imports, Livestock and livestock products, Quarantine, Transportation.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended by revising § 92.2(i)(1) to read as follows:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i)(1) Except as provided in paragraph (i)(2) of this section notwithstanding the other provisions of this part concerning the importation of horses into the United States, the importation of all horses from the following listed countries and the importation of all horses which have been in any such country within the 12 months immediately preceding their export to the United States is prohibited because of the existence of CEM in such countries: Australia, Austria, Belgium, Denmark, Ireland, Italy, Japan, Federal Republic of Germany, France, Sweden, and the United Kingdom (England, Scotland, Northern Ireland, Wales and the Isle of Man).

* * * * *

Authority: Sec. 2, 32 Stat. 792, as amended; secs. 4 and 11, 76 Stat. 130, 132 (21 U.S.C. 111, 134c, 134f); 7 CFR 2.17, 2.51, and 371.2(d)).

Done at Washington, D.C., this 27th day of April, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-11781 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 83-048]

Specifically Approved States To Receive Mares Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which added New York to the list of specifically approved States authorized to receive certain mares imported into the United States from countries affected with contagious equine metritis (CEM). This action is taken because the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, determined that New York has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further ensure their freedom from CEM as required by the regulations.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, VS, APHIS, USDA, Room 844–AAA, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Background

Section 92.2(i)(2) of the regulations in 9 CFR Part 92, among other things, authorizes the importation of certain female horses (mares over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into approved States for further inspection, treatment and testing.

A document published in the **Federal Register** on February 16, 1982, (47 FR 6609–6610), set forth an interim rule amending § 92.4(a)(8)(ii) of the regulations in 9 CFR Part 92 by adding New York to the list of States approved to receive these mares. The addition of New York to the list was based on the finding that it meets certain criteria concerning treatment, testing and handling procedures for these mares.

The interim rule was made effective on the date it was signed, February 5, 1982, in order to relieve as soon as possible unnecessary restrictions that had been placed on importers of these mares.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of February 16, 1982, still provides a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the **Federal Register** on February 16, 1982.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512–1.

This action affirms an interim rule which provides a means by which mares over 731 days of age from countries affected with CEM and bound for New York can be imported directly into New York. Otherwise, the mares would be allowed to be imported only to other States which have been approved to receive these mares from countries affected with CEM. The nearest State to New York approved to receive these mares from countries affected with CEM is Virginia. This action should result in a decrease of transportation costs for such horses.

In fiscal year 1982, 310 of these mares were imported into New York, and it is anticipated that approximately the same number of these mares will be imported into New York in coming years. It is further anticipated that the number of these mares imported into the United States from countries affected with CEM will be insignificant compared with horses of all classes imported into the United States. In fiscal year 1982, 38,983 horses of all classes were imported into the United States.

Under the circumstances explained above, Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal disease, Canada, Imports, Livestock—livestock products, Mexico, Poultry—poultry products, Quarantine, Transportation, Wildlife.

(Sec. 2, 32 Stat. 792, as amended, secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 27th day of April 1983.

K. R. Hook,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 83-11782 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 83–049]

Specifically Approved States To Receive Mares Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which added South Carolina to the list of specifically approved States authorized to receive certain mares imported into the United States from countries affected with contagious equine metritis (CEM). This action is taken because the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, determined that South Carolina has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further ensure their freedom from CEM as required by the regulations.

EFFECTIVE DATE: May 3, 1983

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, VS, APHIS, USDA, Room 844–AAA, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Background

Section 92.2(i)(2) of the regulations in 9 CFR Part 92, among other things, authorizes the importation of certain female horses (mares over 731 days of age) into the United States from countries affected with contagious equine matritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into approved States for further inspection, treatment and testing.

A document published in the **Federal Register** on March 17, 1982, (47 FR 11509–11511), set forth an interim rule amending § 92.4(a)(8)(ii) of the regulations in 9 CFR Part 92 by adding South Carolina to the list of States approved to receive these mares. The addition of South Carolina to the list was based on the finding that it meets certain criteria concerning treatment, testing, and handling procedures for these mares.

The interim rule was made effective on the date it was signed, March 11, 1982, in order to relieve as soon as possible unnecessary restrictions that had been placed on importers of these mares.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of March 17, 1982, still provides a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the **Federal Register** on March 17, 1982.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512–1.

This action affirms an interim rule which provides a means by which mares over 731 days of age from countries affected with CEM and bound for South Carolina can be imported directly into

South Carolina. Otherwise, the mares would be allowed to be imported only to other States which have been approved to receive these mares from countries affected with CEM. The nearest State to South Carolina approved to receive these mares from countries affected with CEM is Virginia. This action should result in a decrease of transportation costs for such horses.

It is anticipated that 40 or fewer of these mares will be imported into South Carolina annually. It is further anticipated that the number of these mares imported into the United States from countries affected with CEM will be insignificant compared with horses of all classes imported into the United States. In fiscal year 1982, 4 of these mares were imported into South Carolina, compared with 38,983 horses of all classes imported into the United States.

Under the circumstances explained above, Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock—livestock products, Mexico, Poultry—poultry products, Quarantine, Transportation, Wildlife.

(Sec. 2, 32 Stat. 792, as amended, secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f, 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 27th day of April, 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-11763 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

[Docket No. 83-050]

Specifically Approved States To Receive Mares Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which added Colorado to the list of specifically approved States authorized to receive certain mares imported into the United States from countries affected with contagious equine metritis (CEM). This action is taken because the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, determined that Colorado has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further ensure their freedom from CEM as required by the regulations.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, VS, APHIS, USDA, Room 844–AAA, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Background

Section 92.2(i)(2) of the regulations in 9 CFR Part 92, among other things, authorizes the importation of certain female horses (mares over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into approved States for further inspection, treatment and testing.

A document published in the **Federal Register** on April 8, 1982, (47 FR 15097–15098), set forth an interim rule amending § 92.4(a)(8)(ii) of the regulations in 9 CFR Part 92 by adding Colorado to the list of States approved to receive these mares. The addition of Colorado to the list was based on the finding that it meets certain criteria concerning treatment, testing, and handling procedures for these mares.

The interim rule was made effective on the date it was signed, April 5, 1982, in order to relieve as soon as possible unnecessary restrictions that had been placed on importers of these mares.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of April 8, 1982, still provides a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the **Federal Register** on April 8, 1982.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512–1.

This action affirms an interim rule which provides a means by which mares over 731 days of age from countries affected with CEM and bound for Colorado can be imported directly into Colorado. Otherwise, the mares would be allowed to be imported only to other States which have been approved to receive these mares from countries affected with CEM. The nearest State to Colorado approved to receive these mares from countries affected with CEM is California. This action should result in a decrease of transportation costs for such horses.

It is anticipated that 40 or fewer of these mares will be imported into Colorado annually. It is further anticipated that the number of these mares imported into the United States from countries affected with CEM will be insignificant compared with horses of all classes imported into the United States. Since March 1982, there have been no mares from countries affected with CEM imported into Colorado. However, 38,983 horses of all classes were imported into the United States during fiscal year 1982.

Under the circumstances explained above, Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

(Sec. 2, 32 Stat. 792, as amended, secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f; 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 27th day of April 1983.

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-11765 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-34-M

9 CFR Part 92

[Docket No. 83-052]

Specifically Approved States To Receive Mares Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule.

SUMMARY: This document affirms the interim rule which added California to the list of specifically approved States authorized to receive certain mares imported into the United States from countries affected with contagious equine metritis (CEM). This action is taken because the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, determined that California has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further ensure their freedom from CEM as required by the regulations.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Mark P. Dulin, VS, APHIS, USDA, Room 844–AAA, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION:

Background

Section 92.2(i)(2) of the regulations in 9 CFR Part 92, among other things, authorizes the importation of certain female horses (mares over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into approved States for further inspection, treatment and testing.

A document published in the **Federal Register** on August 4, 1982, (47 FR 33671–33673), set forth an interim rule amending § 92.4(a)(8)(ii) of the regulations in 9 CFR Part 92 by adding California to the list of States approved to receive these mares. The addition of California to the list was based on the finding that it meets certain criteria concerning treatment, testing, and handling procedures for these mares.

The interim rule was made effective on the date it was signed, July 29, 1982, in order to relieve as soon as possible unnecessary restrictions that had been placed on importers of these mares.

Comments were solicited for 60 days after publication of the amendment. No comments were received. The factual situation which was set forth in the document of August 4, 1982, still provides a basis for the amendment. Accordingly, it has been determined that the amendment should remain effective as published in the **Federal Register** on August 4, 1982.

Executive Order 12291 and Regulatory Flexibility Act

This action has been reviewed in conformance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been determined to be not a "major rule." The Department has determined that this action will not have a significant annual effect on the economy, will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not have any adverse effects on competition, employment, investment, productivity, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this rulemaking action, the Office of Management and Budget has waived their review process required by Executive Order 12291 and the Department of Agriculture has waived the requirements of Secretary's Memorandum 1512–1.

This action affirms an interim rule which provides a means by which mares over 731 days of age from countries affected with CEM and bound for California can be imported directly into California. Otherwise, the mares would be allowed to be imported only to other States which have been approved to receive these mares from countries affected with CEM. The nearest State to California approved to receive these mares from countries affected with CEM is Colorado. This action should result in a decrease of transportation costs for such horses.

It is anticipated that 40 or fewer of these mares will be imported into California annually. It is further anticipated that the number of these mares imported into the United States from countries affected with CEM will be insignificant compared with horses of all classes imported into the United States. In fiscal year 1982, 40 of these mares were imported into California, compared with 38,983 horses of all classes imported into the United States.

Under the circumstances explained above, Mr. James O. Lee, Jr., Acting Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock—livestock products, Mexico, Poultry—poultry products, Quarantine, Transportation, Wildlife.

(Sec. 2, 32 Stat. 792, as amended, secs. 2, 4, 11, 76 Stat. 129, 130, 132; 21 U.S.C. 111, 134a, 134c, 134f, 7 CFR 2.17, 2.51, and 371.2(d))

Done at Washington, D.C., this 27th day of April 1983

K. R. Hook,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-11784 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-34-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 101

[Rev. 2—Amdt. 28]

Delegation of Authority To Conduct Program Activities in Field Offices

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: The Disaster Program, Part II of 13 CFR 101.3–2, "Delegation of Authority to Conduct Program Activities in Field Offices," has been canceled as a field program. Space formerly used in 13 CFR 101–3–2 by this program is reserved.

The program is not a Central Office activity with disaster authority therein transferred to the Associate Administrator for Finance and Investment in Central Office Delegation of Authority No. 12, Amendment 1 (48 FR 9979), and redelegation documents No. 12–C (48 FR 9980), and 12–D (48 FR 9981), as published in the **Federal Register** on March 9, 1983. This is a technical amendment necessary to implement the above delegations.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: Ronald Allen, Paperwork Management Branch, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416. Telephone No. (202) 653–8538.

SUPPLEMENTARY INFORMATION: Part 101 consists of rules relating to the Agency's organization and procedures; therefore, notice of proposed rulemaking and public participation thereon as prescribed in 5 U.S.C. 553 is not required and this amendment to Part 101 is adopted without resort to those procedures.

List of Subjects in 13 CFR Part 101

Authority delegations (Government agencies), Administrative practice and

procedure, Organization and functions (Government agencies).

For the reasons set forth in the preamble and pursuant to authority in Section 5(b)(6) of the Small Business Act, 15 U.S.C. 634, Part 101, 13 CFR 101.3–2 is amended as set forth below:

§ 101.3–2 [Amended]

13 CFR 101.3–2, Part II *Disaster Program* is canceled with the space reserved as follows:

* * * * *

Part II—[Reserved]

* * * * *

(Sec. 5(b)(6) of the Small Business Act; 15 U.S.C. 634)

James C. Sanders,

Administrator.

[FR Doc. 83-11775 Filed 5-2-83; 8:45 am]

BILLING CODE 8025-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34-19698]

Delegation of Authority to Director of the Division of Market Regulation

AGENCY: Securities and Exchange Commission.

ACTION: Final rule amendment.

SUMMARY: The Commission is amending its rules governing delegation of authority with respect to the Securities Exchange Act of 1934 ("Act") to delegate authority to the Director of the Division of Market Regulation to grant exemptions from certain provisions of the rule governing the dissemination of quotation information.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: William W. Uchimoto, (202) 272–2409, Division of Market Regulation, Securities and Exchange Commission, Room 5193, 450 5th Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is amending its rules governing delegation of authority to delegate to the Director of the Division of Market Regulation the authority to grant exemptions from Rule 11Ac1–1 ("Rule"), pursuant to paragraph (d) of the Rule.[1] The Commission finds, in accordance with the Administrative Procedure Act ("APA") [5 U.S.C. 553(b)(3)(B)], that this amendment relates solely to agency organization, procedures, or practice and that notice and procedures pursuant to the APA are therefore not necessary, and that such amendment shall be adopted, effectively immediately.

List of Subjects in 17 CFR Part 200

Administrative practice and procedure, Freedom of information, Privacy, Securities.

The Securities and Exchange Commission, pursuant to the Act, and particularly Sections 2, 6, 11A and 23 (15 U.S.C. 78b, 78f, 78k–1 and 78w), thereof, and the Delegation of Functions Act, 15 U.S.C. 78d–1, hereby adopts an amendment to Section 200.30–3(a).

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

The Commission hereby revises paragraph (a)(28) of § 200.30–3, 17 CFR Chapter II to read as follows:

§ 200.30–3 Delegation of authority to Director of Division of Market Regulation.

* * * * *

(a) * * *

(28) To grant exemptions from Rule 11Ac1–1 ("Rule") [§ 240.11Ac1–1], pursuant to paragraph (d) of the Rule.

* * * * *

By the Commission.

April 25, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11803 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 229, 230, 239, 240 and 249

[Release Nos. 33-6465; 34-19695; File No. S7-961]

Technical Amendments to Rules, Forms, and Schedules

AGENCY: Securities and Exchange Commission.

ACTION: Final rules

SUMMARY: The Commission today adopted technical amendments to various rules, forms and schedules under the Securities Act of 1933 and the Securities Exchange Act of 1934. These amendments clarify certain language and correct technical omissions and errata.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: V. Gerard Comizio, Office of Disclosure Policy, Division of Corporation Finance, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549 at (202) 272–2589.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is publishing for adoption technical amendments relating to various rules, forms and schedules under the Securities Act of 1933 (the "Securities Act") [15 U.S.C. 77a et seq. (1976 and Supp. IV 1980)] and the Securities Exchange Act of 1934 (the "Exchange Act") [15 U.S.C. 78a et seq. (1976 and Supp. IV 1980)]. These actions relate primarily to technical omissions and errata in the Integrated Disclosure Release adopted by the Commission on March 3, 1982.[1] The following rules, forms and schedules are affected by these amendments: Items 401, 503 and 601 of Regulation S–K [17 CFR Part 229]; Securities Act Industry Guides 4 and 5 [17 CFR 229.801]; Securities Act Rules 134, 175, 432 and 494 [17 CFR 230]; Securities Act Forms C–2 [17 CFR 239.4], D–1 [17 CFR 239.6], D–1A [17 CFR 239.7], S–1 [17 CFR 239.11], S–2 [17 CFR 239.12], S–3 [17 CFR 239.13], S–8 [17 CFR 239.16], S–14 [17 CFR 139.23] and S–15 [17 CFR 239.29]; Exchange Act Rules 3b–6, 13a–13 and 13e–3 [17 CFR 240]; and Exchange Act Forms 8–K [17 CFR 249.308] and 10–K [17 CFR 249.310].

The amendments are being adopted as proposed with only minor modifications.[2] First, the reference to Part I of Form 10–K in Instruction 3 to Paragraph (b) of Item 401, which relates to the options allowed for presenting required information about directors and officers, is not being revised.

Second, the following additional technical changes are being adopted:

(a) Paragraph (e) of Item 11 of Form S–1, Information with Respect to the Registrant, has been amended to correct the cross-reference to Item 15 of Form S–1.

(b) Paragraphs (a)(i)(A) and (B) of Item 12 (Incorporation of Certain Information by Reference) of Form S–15 have been amended to provide a correct reference to Rule 14a–3(b)(6) under the Exchange Act in subparagraph (A), and Rule 14a–3(b)(1) under the Exchange Act in subparagraph (B).

(c) Instruction G(3) of Form 10–K (Information to be Incorporated by Reference) has been amended to provide a correct reference to

[1] The Director of the Division of Market Regulation currently has delegated authority only to grant exemptions from paragraph (c)(1) of the Rule to responsible brokers or dealers acting in the capacity of third market makers within the meaning of the Rule. *See* 17 CFR 240.200.30–3(a)(28).

[1] Release No. 33–6383 (March 3, 1982) [47 FR 11380, March 16, 1982].

[2] Pursuant to the Commission's request for comment, three letters of comment were submitted. The comment letters are available for public inspection and copying at the Commission's Public reference Room (*See* File No. S7–961).

Instruction 3 to Item 401(b) of Regulation S–K.

(d) Item 13(d) of Form 10–K (Exhibits, Financial Statement Schedules and Reports on Form 8–K) has been amended to reflect changes made in Accounting Series Release No. 302 ("ASR 302").[3] ASR 302 generally eliminates the filing of separate financial statements by parent companies in certain instances. Consistent with ASR 302, paragraphs (1) and (3) of Item 13(d) have been deleted and the remaining paragraphs renumbered.

The Commission hereby finds pursuant to Section 553(d) of the Administrative Procedure Act [5 U.S.C. 553(d) (1949)] that publication in the Federal Register 30 days prior to effectiveness is not necessary because the amendments are technical and correcting in nature.

List of Subjects in 17 CFR Parts 229, 230, 239, 240 and 249

Reporting and recordkeeping requirements, Securities.

Text of Amendments

In accordance with the foregoing, Title 17, Chapter II, of the Code of Federal Regulations is amended as follows:

PART 229—STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933 AND SECURITIES EXCHANGE ACT OF 1934—REGULATION S–K

1. By revising Instruction 3 to Paragraph (b) in § 229.401 to read as follows:

§ 229.401 (Item 401) Directors and executive officers.

* * * * *

Instructions to Paragraph (b) of Item 401.

* * * * *

3. The information regarding executive officers called for by this Item need not be furnished in proxy or information statements prepared in accordance with Schedule 14A under the Exchange Act (§ 240.14a–101 of this chapter) by those registrants relying on General Instruction G of Form 10–K under the Exchange Act (§ 249.310 of this chapter), *Provided*, That such information is furnished in a separate item captioned "Executive officers of the registrant" and included in Part I of the registrant's annual report on Form 10–K.

* * * * *

2. By revising paragraphs (d)(3)(i), (3)(v), (4)(i) and the first sentence of (4)(ii) and adding a new paragraph (d)(3)(vi) to § 229.503 to read as follows:

§ 229.503 (Item 503) Summary information, risk factors and ratio of earnings to fixed charges.

* * * * *

(d) Ratio of earnings to fixed charges.

* * * * *

(3) * * *

(i) Add to pretax income the amount of fixed charges computed pursuant to paragraph (d)(4) of this section, adjusted to exclude (A) the amount of any interest capitalized during the period and (B) the actual amount of any preferred stock dividend requirements of majority-owned subsidiaries and fifty-percent-owned persons which were included in such fixed charges amount but not deducted in the determination of pretax income.

* * * * *

(v) Registrants other than public utilities may add to earnings the amount of previously capitalized interest amortized during the period.

(vi) A registrant which is a rate-regulated public utility shall not reduce fixed charges (see paragraph (4) below) by any allowance for funds used during construction, but rather, shall include any such allowance in the determination of earnings under this paragraph.

(4)(i) The term "fixed charges" shall mean the total of (A) interest, whether expensed or capitalized; (B) amortization of debt expense and discount or premium relating to any indebtedness, whether expensed or capitalized; (C) such portion of rental expense as can be demonstrated to be representative of the interest factor in the particular case; and (D) preferred stock dividend requirements of majority-owned subsidiaries and fifty-percent-owned persons, excluding in all cases items which would be or are eliminated in consolidation.

(ii) If the registrant is a guarantor of debt of a less than fifty-percent-owned person or of an unaffiliated person (such as a supplier), the amount of fixed charges associated with such debt should not be included in the computation of the ratio unless the registrant has been required to satisfy the guarantee or it is probable that the registrant will be required to honor the guarantee and the amount can reasonably be estimated.

* * * * *

3. By revising the first sentence of paragraph (b)(8) and by adding a period after the word "filed" and capitalizing the word "Where" in paragraph (b)(25) in § 229.601 to read as follows:

§ 229.601 (Item 601) Exhibits.

* * * * *

(b) *Description of exhibits.*

* * * * *

(8) *Opinion re tax matters*—For filings on Form S–11 under the Securities Act (§ 239.18) or those to which Securities Act Industry Guide 5 applies, an opinion of counsel or of an independent public or certified public accountant or, in lieu thereof, a revenue ruling from the Internal Revenue Service, supporting the tax matters and consequences to the shareholders as described in the filing when such tax matters are material to the transaction for which the registration statement is being filed.

* * * * *

(25) *Power of attorney*—If any name is signed to the registration statement or report pursuant to power of attorney, manually signed copies of such power of attorney shall be filed.

* * * * *

§ 229.801 [Amended]

4. By amending Securities Act Industry Guide 4 in § 229.801 to revise subparagraph 1 of Item 1 and Item 11 to read as follows (Securities Act Industry Guide 4 does not appear in the Code of Federal Regulations):

Guide 4. Prospectus Relating to Interests in Oil and Gas Programs.

1. * * *

(1) Terms of Offering: State the title and general nature of the securities being offered; the maximum aggregate amount of the offering; the minimum aggregate amount necessary to initiate the program; the disposition of the funds raised if they are not sufficient for that purpose; the minimum subscription price; the period of the offering; any provisions for additional assessments; and a brief description of the proposed method of distribution, including the amount of any commission to be paid. If funds received from investors are not to be held in trust or in special account pending expenditure in the program, appropriate disclosures should be set forth including when appropriate reference to exposure to claims of creditors of the custodian of the funds.

The tabular presentation specified in item 501(c)(7) of Regulation S–K (§ 229.501(c)(7)) may be omitted;

* * * * *

11. *Management.* Furnish the information required by Items 401 through 403 of Regulation S–K (§§ 229.401 through 403) as to the management and operating companies.

* * * * *

5. By amending Securities Act Industry Guide 5 in § 229.801 to delete

[3] Securities Act Release No. 33–6359 (November 6, 1981) [46 FR 56171, November 19, 1981].

paragraph 18 and to renumber paragraphs 19 through 21 as paragraphs 18 through 20 (Securities Act Industry Guide 5 does not appear in the Code of Federal Regulations).

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

6. By revising paragraph (a)(14)(ii) in § 230.134 to read as follows:

§ 230.134 Communications not deemed a prospectus.

* * * * *

(a) * * *

(14) * * *

(ii) For the purpose of paragraph (a)(14)(i) of this section, the term "nationally recognized statistical rating organization" shall have the same meaning as used in Rule 15c–3–1(c)(2)(vi)(F) under the Securities Exchange Act of 1934 (17 CFR 240.15c3–1(c)(2)(vi)(F)).

* * * * *

7. By revising paragraph (b)(2) introductory text and paragraph (b)(2)(i) in § 230.175 to read as follows:

§ 230.175 Liability for certain statements by issuers.

* * * * *

(b) * * *

(2) Information which is disclosed in a document filed with the Commission, in Part I of a quarterly report on Form 10–Q (§ 249.308a of this chapter) or in an annual report to shareholders meeting the requirements of Rules 14a–3(b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934 (§§ 240.14a–3 (b) and (c) or 240.14a–3 (a) and (b) of this chapter) and which relates to (i) the effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 of Regulation S–K (§ 229.303 of this chapter) or Item 9 of Form 20–F (§ 249.220f of this chapter) "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S–K (§ 229.302 of this chapter), "Supplementary financial information," or Rule 3–20(c) of Regulation S–X (§ 210.3–20(c) of this chapter), or

* * * * *

8. By revising § 230.432 to read as follows:

§ 230.432 Additional information required to be included in prospectuses relating to tender offers.

Notwithstanding the provisions * * * not otherwise required to be included therein, required by Rule 14d–6(e)(1) (§ 240.14d–6(e)(1) of this chapter) to be included in all such tender offers, requests or invitations, published or sent or given to the holders of such securities.

9. By revising paragraph (e) in § 230.494 to read as follows:

§ 230.494 Newspaper prospectuses.

* * * * *

(e) If the registrant or any of the underwriters knows or has reasonable grounds to believe that it is intended to stablize the price of any security to facilitate the offering of the registered security, there shall be placed in the newspaper prospectus, in capital letters, the statement required by Item 502(d) of Regulation S–K (§ 229.502(d) of this chapter) to be included in the full prospectus.

* * * * *

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

§ 239.4 [Amended]

10. By removing § 239.4, Form C–2, for certain types of certificates of interest in securities.

§ 239.6 [Amended]

11. By removing Form D–1, for certificates of deposit, in § 239.6.

§ 239.7 [Amended]

12. By removing Form D–1A, for certificates of deposit issued by issuer of securities called for deposit in § 239.7.

13. By revising paragraph (e) of Item 11 and paragraph (b) of Item 16 of Form S–1 in § 239.11 to read as follows (Form S–1 does not appear in the Code of Federal Regulations):

§ 239.11 Form S–1 [Amended]

* * * * *

Item 11. Information with respect to the Registrant. Furnish the following information with respect to the Registrant:

* * * * *

(e) Financial statements meeting the requirements of Regulation S–X (17 CFR Part 210) (Schedules required under Regulation S–X shall be filed as "Financial Statement Schedules" pursuant to Item 15, Exhibits and Financial Statement Schedules, of this Form) as well as any Financial information required by Rule 3–05 and Article 11 of Regulation S–X.

* * * * *

Item 16. Exhibits and Financial Statement Schedules.

* * * * *

(b) Furnish the financial statement schedules required by Regulation S–X (17 CFR Part 210) and Item 11(e) of this Form. These schedules shall be lettered or numbered in the manner described for exhibits in paragraph (a).

* * * * *

14. By amending Item 12 of Form S–2 in § 239.12 by revising the introductory paragraph (a) and paragraphs (a)(3)(i) and (b) to read as follows (Form S–2 does not appear in the Code of Federal Regulations):

§ 239.12 Form S–2 [Amended]

* * * * *

Item 12. *Incorporation of Certain Information by Reference.*

(a) The documents listed (1), (2), and, if applicable, the portions of the documents listed in (3) and (4) below, shall be specifically incorporated by reference into the prospectus, by means of a statement to that effect in the prospectus listing all such documents. In lieu of incorporating portions of the documents listed in (3) and (4) below, the registrant may incorporate by reference its entire annual or quarterly report to security holders.

* * * * *

(3) * * *

(i) description of business furnished in accordance with the provisions of Rule 14a–3(b)(6) under the Exchange Act (§ 240.14a–3(b)(6) of this chapter):

* * * * *

(b) The registrant may also state, if it so chooses, that specifically described portions of its annual or quarterly report to security holders, other than those portions required to be incorporated by reference pursuant to paragraphs (a)(3) and (4) above, are not part of the registration statement. In such case, the description of portions which are not incorporated by reference or which are excluded shall be made with clarity and in reasonable detail.

* * * * *

15. By amending Item 11 of Form S–3 in § 239.13 to revise paragraph (b) to read as follows (Form S–3 does not appear in the Code of Federal Regulation):

§ 239.13 Form S–3 [Amended]

Item 11. *Material changes*

* * * * *

(b) Include in the prospectus, if not incorporated by reference therein from the reports filed under the Exchange Act specified in Item 12(a), a proxy or information statement filed pursuant to Section 14 of the Exchange Act, a prospectus previously filed pursuant to Rule 424 (b) or (c) under the Securities Act (§ 230.424 (b) or (c) of this chapter) or a Form 8–K filed during either of the two preceeding fiscal years: (i)

Information required by Rule 3–05 and Article 11 of Regulation S–X (17 CFR Part 210); (ii) restated financial statements prepared in accordance with Regulation S–X if there has been a change in accounting principles or a correction in an error where such change or correction requires a material retroactive restatement of financial statements; (iii) restated financial statements prepared in accordance with Regulation S–X where one or more business combinations acounted for by the pooling of interest method of accounting have been consumated subsequent to the most recent fiscal year and the acquired businesses, considered in the aggregate, are significant pursuant to Rule 11–01(b), or (iv) any financial information required because of a material disposition of assets outside the normal course of business.

* * * * *

16. By revising Form S–8 in § 239.16 to delete the instruction to Item 5; and to revise subparagraph (1)(a) of General Instruction A; Note 1 to General Instruction C; the introductory paragraph and paragraph (b) of Item 15; and the signature provision; and Instruction 1 to the signature provision to read as follows (Form S–8 does not appear in the Code of Federal Regulations):

§ 239.16 Form S–8 [Amended]

General Instructions

A. Rule as to use of Form S–8.

(1) * * *

(a) Securities of such issuer to be offered to its employees, or to employees of its subsidiaries or parents, pursuant to any employee benefit plan. (See Rule 405 of Regulation C (§ 230.405 of this chapter) defining "employee benefit plan").

* * * * *

C. Unavailability of the Form S–8 Prospectus for Reoffers or Resales.

* * * * *

Notes.—1. Registered securities may be included in a reoffer prospectus if they have been or will be acquired by the selling security holder pursuant to the plan. If after the effective date the issuer wishes to add any person who has acquired or will acquire any registered securities pursuant to the plan to the list of selling shareholders, the issuer may do so by filing a post-effective amendment or by use of a prospectus filed pursuant to Rule 424(c) under the Securities Act (§ 230.424(c) of this chapter).

* * * * *

PART I—INFORMATION REQUIRED IN THE PROSPECTUS

* * * * *

Item 15. Incorporation of Certain Documents by Reference.

The issuer and, where interests in the plan are being registered, the plan, shall incorporate by reference into the prospectus the documents listed in (a) through (c) below and shall state that all documents subsequently filed by them pursuant to Sections 13(a), 13(c), 14 and 15(d) of the Securities Exchange Act of 1934, prior to the filing of a post effective amendment which indicates that all securities offered have been sold or which deregisters all securities then remaining unsold, shall be deemed to be incorporated by reference in the prospectus and to be a part thereof from the date of filings of such documents. Copies of these documents are not required to be filed with the registration statement.

* * * * *

(b) All other reports filed pursuant to Sections 13(a) or

15(d) the Securities Exchange Act of 1934 since the end of the fiscal year covered by the annual reports or the prospectus referred to in (a) above.

Signatures

* * * * *

The Plan. Pursuant to the requirements of the Securities Act of 1933, the plan has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized, in the City of ———, State of ———, on the ——— Day of 19—.

(The Plan)

By ———

(Signature and Title)

Instructions. 1. The registration statement shall be signed by the registrant, its principal executive officer or officers, its controller or principal accounting officer, and by at least a majority of the board of directors or persons performing similar functions. Where interests in the plan are being registered, the registration statement shall be signed by the plan. If the signing person is a foreign person. * * *

17. By amending the heading of Part II of Form S–14 in § 239.23 to read as follows:

§ 239.23 Form S–14 [Amended]

Part II. Information Not Required in Prospectus

18. By amending Item 12 of Form S–15 in § 239.29 to revise paragraphs (a)(i) (A) and (B) and (b) to read as follows (Form S–15 does not appear in the Code of Federal Regulations):

§ 239.29 Form S–15 [Amended]

* * * * *

Item 12. Incorporation of Certain Information by Reference

(a) * * *

(i) * * *

(A) description of business furnished in accordance with the provisions of Rule 14a–3(b)(6);

(B) certified financial statements furnished in accordance with the provisions of Rule 14a–3(b)(1);

* * * * *

(b) The issuer may also state, if it so chooses, that specifically described portions of its annual or quarterly report to security holders, other than those portions required to be incorporated by reference pursuant to paragraphs (a)(i) and (iv) above, are not part of the registration statement. In such case, the description of portions which are incorporated by reference or which are excluded shall be made with clarity and in reasonable detail.

* * * * *

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

19. By revising the introductory text to paragraph (b)(2) and paragraph (b)(2)(i) in § 240.3b–6 to read as follows:

§ 240.3b–6 Liability for certain statements by issuers.

* * * * *

(b) * * *

(2) Information which is disclosed in a document filed with the Commission in Part I of a quarterly report on Form 10–Q (§ 249.308a of this chapter) or in an annual report to shareholders meeting the requirements of Rules 14a–3 (b) and (c) or 14c–3 (a) and (b) under the Securities Exchange Act of 1934 (§§ 240.14a–3 (b) and (c) or 240.14c–3 (a) and (b) of this chapter) and which relates to (i) the effects of changing prices on the business enterprise, presented voluntarily or pursuant to Item 303 of Regulation S–K (§ 229.303 of this chapter) or Item 9 of Form 20–F (§ 249.220f of this chapter), "Management's discussion and analysis of financial condition and results of operations," or Item 302 of Regulation S–K (§ 229.302 of this chapter), "Supplementary financial information," or Rule 3–20(c) of this chapter) or

* * * * *

20. By amending paragraph (c)(1) of § 240.13a–13 to read as follows:

§ 240.13a–13 Quarterly reports on Form 10–Q (§ 249.308a of this chapter).

* * * * *

(c) * * *

(1) Life insurance companies and holding companies having only life insurance subsidiaries for quarters in fiscal years ending on or before December 20, 1983, if they do not meet the test specified in Item 302(a)(5)(i) of Regulation S–K (§ 229.302 of this chapter) or

* * * * *

21. By revising Instruction 2(a) to paragraph (e) of § 240.13e–3 to read as follows:

§ 240.13e–3 Going private transactions by certain issuers or their affiliates.

* * * * *

(e) *Disclosure of certain information.*

* * *

Instructions. * * *

2. * * *

(a) The following summary financial information for (i) the two most recent fiscal years and (ii) the latest year-to-date interim period and corresponding interim period of the preceding year:

Income Statement:

Net sales and operating revenues and other revenues
Income before extraordinary items
Net Income
Balance Sheet (at end of period):
Working capital
Total assets
Total assets less deferred research and development charges and excess of cost of assets acquired over book value.
Shareholder's equity
Per Share:[1]
Income per common share before extraordinary items
Extraordinary items
Net income per common share (and common share equivalents, if applicable)

* * * * * *

Net income per share on a fully diluted basis

* * * * *

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

22. By amending Item 7 of Form 8–K in § 249.308 to redesignate paragraph (a)(3) as paragraph (a)(4); to add a new paragraph (a)(3); and to revise paragraph (b)(2) to read as follows (Form 8–K does not appear in the Code of Federal Regulations):

§ 249.308 Form 8–K [Amended]

Item 7. Financial Statements, Pro Forma Financial Information and Exhibits.

(a)* * *

(3) With regard to the acquisition of one or more real estate properties, the financial statements and any additional information specified by Rule 3–14 of Regulation S–X shall be filed

(b)* * *

(2) The provisions of (a)(4) above shall also apply to pro forma financial information relative to the acquired business.

* * * * *

23. By revising the last sentence of General Instruction G of Form 10–K in Section 249.310 to read "See Instruction 3 to Item 401(b) of Regulation S–K (Section 229. 401(b) of this Chapter)."

24. By revising General Instruction I of Form 10–K and Item 13(d) in § 249.310 to read as follows (Form 10–K does not appear in the Code of Federal Regulations):

§ 249.310 Form 10–K [Amended]

* * * * *

I. Registrants filing on Form S–18.

If the registrant is subject to the reporting requirements of Section 15(d) of the Exchange Act and such obligation arises solely because the registrant has filed a registration statement on Form S–18 (§ 239.28 of this chapter) which has become effective during the last fiscal year, the registrant may comply with the disclosure requirements of Form S–18 Item 16, Description of Business; Item 18, Interest of Management and Others in Certain Transactions; and Item 20, Remuneration of Directors and Officers, in lieu of complying with the disclosure requirements of Item 1, Business; Item 11, Management Remuneration; and Item 13, Certain relationships and related transactions, herein. Item 6 of this Form, Selected Financial Data, may be omitted at the election of such registrant.

* * * * *

Item 13. Exhibits, Financial Statement Schedules and Reports on Form, 8–K.

* * * * *

(d) Registrants shall file, as financial statement schedules to this Form, the financial statements required by Regulation S–X (17 CFR Part 210) which are excluded from the annual report to shareholders by Rule 14a–3(b) including (1) separate financial statements of subsidiaries not consolidated and fifty percent or less owned persons; (2) separate financial statements of affiliates whose securities are pledged as collateral and (3) schedules.

* * * * *

Statutory Authority

These amendments are being adopted pursuant to authority in Sections 6, 7, 8, 10 and 19(a) of the Securities Act of 1933 and Sections 12, 13, 14, 15(d) and 23(a) of the Securities Act of 1934.

(Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85, secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; sec. 1, 79 Stat. 1051; sec. 308(a)(2), 90 Stat. 57; secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 895, 901; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec 203(a), 49 Stat. 704; Sec. 202, 68 Stat. 686; secs. 3, 4, 5, 6, 78 Stat. 565–568, 569, 570–574; secs. 1, 2, 3, 82 Stat. 454, 455; secs. 28(c), "1, 2, 3–5, 84 Sat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; sec. 308(b), 90 Stat. 57; secs. 202, 203, 204, 81 Stat. 1494, 1498, 1499, 1500; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 78l, 78m, 78n, 78o(d), 78w(a))

By the Commission.

April 22, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–11804 Filed 5–2–83; 8:45 am]

BILLING CODE 8010–01–M

[1]Average number of shares of common stock outstanding during each period was———(as adjusted to give effect to stock dividends or stock splits).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 200, 203, 233, 234, and 237

[Docket No. R–83–1037]

Mutual Insurance Programs Under the National Housing Act; Direct Endorsement Processing

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

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

SUMMARY: This notice announces the effective date for the final rule published in the **Federal Register** on March 22, 1983 (48 FR 11928) that implemented a new program involving direct underwriting of insured single family mortgage loans by approved mortgage lenders. The effective date provision of the rule stated that the rule would become effective upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, and announced that future notice of the effectiveness of the rule would be published in the **Federal Register.**

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

DATE: The effective date for the final rule published March 22, 1983 (48 FR 11928) is May 3, 1983. Information collection requirements contained in this regulation (sections 200.163 and 200.164)

have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Number 2502–0274.

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

Dated: April 27, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-11779 Filed 5-2-83; 8:45 am]

BILLING CODE 4210-27-M

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24 CFR Part 426

[Docket No. R-82-1006]

Rent Requirements for Section 101 (Rent Supplement) and Section 236 Programs

Correction

In FR Doc. 83–8475 beginning on page 13978 in the issue of Friday, April 1, 1983, make the following correction on page 13982: In the third column, the line designated "16" should read "16. Part 426 is removed."

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 401

[T.D. 7886]

Temporary Procedure and Administration Regulations Under the Tax Equity and Fiscal Responsibility Act of 1982; Certain Requirements for Release of Liens

Correction

In FR Doc. 83–10654 beginning on page 17068 in the issue of Thursday, April 21, 1983, make the following correction to § 401.6325–1(e) on page 17069: In the third column, the paragraph designated "(e)", the fourteenth line, the word "director" should appear immediately following the word "district".

BILLING CODE 1505-01-M

VETERANS ADMINISTRATION

38 CFR Part 17

Dental Benefits; Eligibility Amendments

Correction

In FR Doc. 83–10327 beginning on page 16680 in the issue of Tuesday, April 19, 1983, make the following correction in the **SUMMARY:** In line seven, "39 U.S. Code" should read "38 U.S. Code."

BILLING CODE 1505-01-M

POSTAL RATE COMMISSION

39 CFR Part 3002

[Docket No. RM83-7; Order Nos. 490 and 495]

Order of the Commission Amending Organizational Rules; Correction

Issued: April 26, 1983.

AGENCY: Postal Rate Commission.

ACTION: Final rule; correction.

SUMMARY: On March 30, 1983 (48 FR 13167), the Postal Rate Commission published a final rule which changed some of its organizational rules. The Commission is issuing a correction to that rule. The correction is necessary to make clear the removal of § 3002.8.

FOR FURTHER INFORMATION CONTACT: David F. Stover, General Counsel, 2000 L Street, NW., Washington, D.C. 20268 (telephone: 202/254–3824).

SUPPLEMENTARY INFORMATION:

On March 22, 1983, the Commission issued a Final Rule which changed some of its organizational rules. 48 FR 13167–13168 (March 30, 1983). Among them was the elimination of § 3002.8. We are issuing this correction to make this clearer. Accordingly under "§ 3002.8", at 48 FR at 13168, the first sentence numbered "2." should be corrected to read as follows: "Section 3002.8, Office of Public Information, is removed and § 3002.9 is redesignated § 3002.8."

By the Commission.

Cyril J. Pittack,

Acting Secretary.

[FR Doc. 83-11748 Filed 5-2-83; 8:45 am]

BILLING CODE 7715-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL 2186-1]

Approval and Promulgation of Implementation Plans; State of Arizona

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: On November 12, 1981, EPA proposed action on draft revisions to the State Implementation Plan (SIP) for Arizona. These draft revisions were later adopted and officially submitted by the State on June 3, 1982, to meet the requirements of Part C, Subpart 1, of the Clean Air Act for preconstruction review of new and modified major stationary sources of those air pollutants regulated under the Act. Today's notice takes final action under the Clean Air Act to approve these revisions.

EFFECTIVE DATE: This action is effective May 3, 1983.

FOR FURTHER INFORMATION CONTACT: David P. Howekamp, Director, Air Management Division, Region 9, Environmental Protection Agency, 215 Fremont Street, San Francisco, CA 94105, Attn.: Julie A. Rose (415) 974–8236, New Source Section.

ADDRESS: A copy of today's revision to the Arizona SIP is located at: The Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20408.

SUPPLEMENTARY INFORMATION:

Background

The Arizona Department of Health Services (ADHS) drafted regulations for New Source Review (NSR) and Prevention of Significant Deterioration (PSD). These regulations contain the preconstruction review requirements for new and modified major stationary sources. On November 12, 1981 (46 FR 55714) EPA proposed to approve these draft revisions if adopted by the ADHS without substantive changes and submitted by the Governor's designee. On June 3, 1982, the Governor's designee for Arizona submitted these regulations as a revision to the Arizona SIP.

Public Comments

During the public comment period, EPA received comments from the Arizona Electric Power Cooperative, Inc., Arizona Public Service Company, and Salt River Project. All comments are specifically identified and responded to

in EPA's Public Comment Technical Support Document (contained in Document File NAP-AZ-04-NSR/PSD at the ADHS, EPA Library in Washington, D.C., and the Region 9 Office).

EPA Actions

EPA is taking final action under Section 110 and Part C, Subpart 1, of the Clean Air Act to approve the ADHS regulations for PSD submitted on June 3, 1982. In addition, EPA is not taking action in this notice on Rule R9-307 (Innovative control technology exemption) since revisions to this rule were officially submitted to EPA as a SIP revision after EPA's proposed approval. These revisions are not consistent with the provisions of 40 CFR 51.24(s)(2)(iv)(b).

The definitions of Stationary Source contained in Arizona Rule R9-3-101(146) apply under State law to both Arizona's PSD program and Arizona's NSR program for nonattainment areas. EPA is approving Rule R9-3-101(146) only under Part C, Subpart 1, of the Clean Air Act as providing adequate definitions for an acceptable PSD plan. EPA is taking no action on the definitions under Part D of the Act. Although Rule R9-3-101(146) will be applicable to Arizona's nonattainment NSR program under State law, the definitions will not be approved by EPA as satisfying the requirements of Part D of the Act. EPA is taking no action at this time on any of the recent amendments to Arizona's nonattainment program. The NSR portion of the regulations will be acted upon in a future **Federal Register**, and the regulations approved by EPA on May 5, 1982 will continue to be the approved Part D SIP for Arizona.

The detailed requirements for a PSD program are contained in 40 CFR 51.24, "Prevention of Significant Deterioration of Air Quality." Presently, EPA is administering the PSD program in the State of Arizona under the federal regulation 40 CFR 52.21, "Prevention of Significant Deterioration of Air Quality." Upon approval of the PSD regulations, federal regulation 40 CFR 52.21 will be rescinded as applicable for most new sources constructing in Arizona after the date of SIP approval and the PSD program will be administered by the ADHS. The State does not have jurisdiction for sources located on Indian lands and for most sources in Maricopa and Pima counties. EPA retains authority for those areas and sources not under State jurisdiction.

EPA has a responsibility to take final action as soon as possible in order to minimize any delays in the processing of permits. Therefore, EPA finds that good cause exists for making this action immediately effective.

Supplementary Issues

With respect to sources potentially impacting Federal Class I areas (i.e., within 100 kilometers of such areas), the State agrees to transmit to the EPA Administrator a copy of each permit application relating to a major stationary source or major modification (with materials supporting the preliminary determination) and provide notice to the Administrator of every action related to the consideration of such permit.

With respect to the exemption of portable sources provided in Rule R9-3-304, the State agrees to restrict the use of the exemption to sources which will be temporary. In order to be eligible for the exemption, sources must provide notice to the State at least 10 days prior to the relocation.

Regulatory Process

Under Executive Order 12291, today's action is not major. It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any EPA response are available for public inspection at the locations listed in the **ADDRESSES** section of this notice.

Under the Clean Air Act, any petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 5, 1983. This action may not be challenged later in proceedings to enforce its requirements.

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

List of Subjects in 40 CFR Part 52

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

Authority: Sec. 110, 129, 160, to 169, and 301(a) of the Clean Air Act as amended (42 U.S.C. 7410, 7429, 7470, to 7479, and 7601(a))

Dated: April 22, 1983.

Lee L. Verstandig,

Acting Administrator

PART 52—[AMENDED]

Subpart D of Chapter I, Title 40, Code of Federal Regulations is amended as follows:

Subpart D—Arizona

1. Section 52.120, is amended by adding paragraph (c)(54)(i)(B) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(54) * * *

(i) * * *

(B) New or amended rules R9-3-101 (Nos. 3, 7, 8, 17, 18, 19, 20, 21, 29, 34, 35, 37, 56, 61, 62, 63, 68, 69, 75, 77, 78, 79, 88, 89, 90, 91, 98, 99, 101, 117, 122, 129, 133, 136, 146, and 157; 53 and 123 are deleted); R9-3-217; R9-3-301; R9-3-304; R9-3-305; R9-3-306 (paragraph A only); R9-3-320 (Repealed and Reserved); R9-3-1101 (paragraphs A, C, and D); Appendix 1; and Appendix 2.

* * * * *

2. Section 52.144 is revised to read as follows:

§ 52.144 Significant deterioration of air quality.

(a) The requirements of sections 160 through 165 of the Clean Act are not met, since the plan as it applies to stationary sources under the jurisdiction of the Pima County Health Department and the Maricopa County Department of Health Services and stationary sources locating on Indian lands does not include approvable procedures for preventing the significant deterioration of air quality.

(b) *Regulation for preventing significant deterioration of air quality.* The provisions of § 52.21 (b) through (w) are hereby incorporated and made a part of the applicable State plan for the State of Arizona for that portion applicable to the Pima County Health Department and the Maricopa County Department of Health Services and sources locating on Indian lands.

* * * * *

[FR Doc. 83-11758 Filed 5-2-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-487; RM-3915; BC Docket No. 81-818; RM-3960; RM-4033; RM-4034]

FM Broadcast Stations in Marco, Florida; Naples and Key West, Florida

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes FM commercial Channel 276A for Channel 249A in Naples, Florida, and modifies the license of Station WSGL, Naples, to specify operation on Channel 276A in response to a proposal by WRMF, Inc. It

also adds Channel 224A to Marco, Florida, and modifies the license of Station WFYN, Key West, Florida, to specify operation on Channel 222 in lieu of Channel 223, in response to a proposal by Sunshine Broadcasting, Inc.

EFFECTIVE DATE: June 27, 1983.

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

FOR FURTHER INFORMATION CONTACT: Philip S. Cross, Mass Media Bureau, (202) 632-5414.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Marco, Florida) BC Docket 81-487, RM-3915; Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Naples and Key West, Florida) BC Docket No. 81-818, RM-3960, RM-4033, RM-4034.

Adopted: April 8, 1983.

Released: April 26, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration its *Further Notice of Proposed Rule Making and Order to Show Cause* in this proceeding, published in the **Federal Register** on August 19, 1982 (47 FR 36244). The *Further Notice* proposed six options for the assigment of FM channels to Naples, Marco and Key West, Florida. The *Show Cause Order* concerned the proposed modification of licenses for two FM stations in Naples and Key West, Florida, so that certain of the options could be implemented.

2. The communities and channel assignments involved are as follows:

A. Palm Beach, Florida

WRMF, Inc. ("WRMF"), licensee of Station WRFM-FM, Palm Beach, requests the substitution of Channel 276A for Channel 249A at Naples on which Station WSGL(FM) operates. The substitution would enable WRMF to relocate its facilities to a site which would otherwise be short-spaced to WSGL. From the new site, WRMF states that it would serve an additional 864,617 persons. WSGL does not oppose the substitution.

B. Marco, Florida

Sunshine Broadcasting, Inc. ("Sunshine") requested that Channel 276A be assigned to this community as its second FM outlet. The proposal is mutually exclusive with WRMF's request in A above. To resolve the conflict, we proposed the assignment of Channel 221A or 249A to Marco. Sunshine objected on the ground that because of site restrictions neither channel is useable. Sunshine counterproposed the use of Channel 224A with a substitution and modification of license for Station WFYN-FM, Key West, Florida, to operate on Channel 222 instead of 223.

C. Key West, Florida

Florida Keys Broadcasting Corporation ("WFYN") opposed a modification of its license to operate on Channel 222 instead 223 and requested a hearing. Subsequently, in view of WRMF's offer to reimburse WFYN for $25,000 of its expenses in changing frequency, WFYN consented to the modification on the condition that the agreement be more particularized and WFYN promptly obtains authority to operate with improved facilities (application File No. 820222AX) on the new frequency.

D. Naples, Florida

Number 1 Broadcasting, Inc. ("Number One") proposes that Channel 276A be added to Naples as its fifth FM outlet rather than substituted for Channel 249A as proposed by WRMF.

3. The various options, which we proposed, contained combinations of assignments which included Channel 221A, 224A or 276A for Marco; Channel 249A and/or Channel 276A for Naples; and Channel 222 for Key West. Comments were filed by WRMF, Sunshine, Roger's Media Service, Sterling Communications Corporation ("WSGL") and Deltona Broadcasting Company, Inc. Reply comments were filed by WRMF. WFYN filed a request for hearing, a motion to accept a supplement thereto and the supplement itself.

4. WRMF (Palm Beach) contends that the public interest would best be served by adoption of its proposal to substitute Channel 276A for Channel 249A at Naples and modify the license of WSGL (Naples) to operate on Channel 276A. WRMF stresses that the proposal would enable WRMF to change its Palm Beach transmitter location and its antenna height so that it could increase its coverage from 1,595 to 4,080 square miles and serve an additional 864,617 people. WRMF states that for some time it has operated short-spaced to WSGL and has been unable to make better use of its Class C facility. With the short-spacing, WRMF has been limited to 100 kW at 340 feet above average terrain whereas our Rules permit Class C stations to operate with a maximum antenna height of 2,000 feet.

5. WRMF had filed an application (BPH-800720AD) to change transmitter site and to increase antenna height to 1,350 feet above average terrain. That proposed new site would increase the short-spacing to WSGL to 8.13 miles. WRMF had requested a waiver of § 73.213(f) of our Rules regarding separation requirements, which was denied. Thus, WRMF requested the channel substitution of 276A for 249A at Naples to allow the improvements of its facilities as proposed in its application. WRMF states that its proposal would place Palm Beach County and Martin County entirely within the station's proposed 1 mV/m contour and cover most of Broward County and parts of St. Lucie, Hendry and Dade Counties, thereby serving an additional 864,611 people.

6. The assignment of Channel 276A to Naples as its fifth FM assignment, rather than as a substitute for Channel 249A, was proposed originally by Number One. Inasmuch as Number One did not respond to our *Notice*, we concluded that it has no further interest in the proposal. However, comments were filed by Rogers supporting the proposal and stating that it would apply for operation on Channel 276A, if it were assigned as a fifth FM outlet in Naples.

7. In support, Rogers states that the proposal to assign an additional Naples channel would increase the overall diversity of programming rather than maintain the *status quo*. Rogers asserts that the assignment of a fifth FM channel to Naples would reflect the continued and rapid growth of Naples and Collier County over the past ten years. The population of Naples is said to have increased from 12,042 in 1970 to 17,581 in 1980. Rogers reports that employment growth in the manufacturing sector of Collier County increased by 118.6% during that period, ranking it third in growth among Florida's 67 counties. Rogers concludes that the past and continuing population growth and affluent nature of the area indicate that a fifth FM channel assignment in Naples would be desirable.

8. Comments by Sunshine assert that Channel 276A is the better channel for assignment to Marco but it will alternately apply for authority to operate on Channel 249A, as it counterproposed. Sunshine claims that Channel 221A is not suitable for assignment to Marco because of site availability problems. Sunshine contends that if a choice had to be made between Marco and Naples for a new FM assignment, Marco with only one assignment should be preferred over Naples with four assignments. Sunshine states that the provision of a second

local FM service to Marco would better fulfill the objectives of section 307(b) of the Communications Act than a fifth local FM service to Naples. Sunshine adds that, although it is not withdrawing its commitment to file an application to operate at Marco, if there is a delay and Channel 276A is made available at Naples, Sunshine might apply at Naples instead of Marco.

9. Deltona, permittee of Channel 226, Marco, contends that Marco is too small a community to support an additional FM station. Deltona argues that the operation of two FM stations in Marco would fragment the market to the point that neither could remain viable.

10. WSGL reiterates its willingness to have its license modified to specify operation on Channel 276A if fully reimbursed by WRMF. Nevertheless, WSGL asserts that the assignment of Channel 276A to Marco, as a second FM assignment, is to be preferred to its use in Naples either as a fifth FM assignment or to replace Channel 249A in order to accommodate the site change for WRMF. WSGL points to Marco's being a growing community which increased from a population of 1,500 in 1970 to an estimated 8,500 in 1980 with a peak winter population of 12,000.

11. WSGL asserts that in the event Channel 276A is assigned to Naples, it should be a replacement for Channel 249A to accommodate the WRMF change. WSGL contends that Naples' four FM assignments already exceed the Commission's former guidelines and that while the guidelines are no longer determinative (BC Docket No. 80–130)[1] the guidelines should be taken into consideration in comparing competing applications.

12. In reply comments, WRMF reiterates its support for the proposals to substitute channels in Naples and to add Channel 221A or 224A to Marco. WRMF opposes the addition of Channel 276A to Naples on the grounds that no showing has been made of special circumstances or need for a fifth FM assignment there; that a new FM assignment (Channel 228A) was made to Naples in 1981 to meet growing needs of the community; that the present facilities in Naples are adequate to meet the needs and diversity of the community; that the addition of Channel 276A would deprive 864,617 people of WRMF's service; and that a fifth FM assignment to Naples clearly does not constitute efficient or equitable distribution of broadcast facilities. WRMF also stated that it would make a financial contribution of up to $25,000 toward the cost of changing WFYN's frequency so Sunshine could operate on Channel 224A in Marco.

13. WRMF filed a motion to accept additional comments. In support thereof, WRMF stated that the comments contain facts which have not previously been submitted for the record but should be considered by the Commission in reaching its judgment in this proceeding. Although WRMF makes no showing as to why these facts could not have been submitted within the specified periods for comments and reply comments, we conclude that the nature of the facts is such as to constitute a fundamental public interest consideration in the assignment of FM channels and that the additional comments should be accepted.[2]

14. The comments include an engineering statement that the WRMF proposal to improve its facilities would provide a first FM service to an area of 329 square miles in the central part of southern Florida. WRMF states that this represents 13.2 percent of the 2,485 square miles of its proposed 1 mV/m coverage area. WRMF submits that the population density in that area is probably small and that an exact population count is not known to be available. On the other hand, WRMF contends that an additional Class A FM station at Naples could not provide a first FM service to any area. WRMF also demonstrates that its proposal would provide a second FM service to an area 88 square miles, which is 3.5 percent of the proposed increase of its 1.0 mV/m coverage.

15. WFYN filed a request for hearing on the matter of modifying its license to specify operation on Channel 222 instead of Channel 223. WFYN states that the proposal presents two substantial problems. The problems are that it would impose significant financial and competitive burdens upon a licensee that is already carrying the burden of operating in a small and highly competitive market with a long-declining population; and that it might constitute a *de facto* downgrading of the WFYN authorization from Class C to Class C–1 status if the Commission adopts certain rule changes proposed in BC Docket No. 80–90. WFYN contends that operation on Channel 222 would limit its future ability to move the transmitter location further up the Keys to obtain a higher tower. WFYN also contends that the useability of Channel 221A in Marco is a matter of dispute between Sunshine and WRMF and that the Commission should first get more data from the parties and resolve the question before looking toward a modification of the WFYN license.[3]

16. WFYN subsequently filed a motion to accept a supplement to its request for hearing, pursuant to §§ 1.3 and 1.415(d) of our Rules. WFYN states that the supplement is needed to respond to the reimbursement offer made by WRMF in its reply comments. We find that good cause has been shown, and the motion is granted.

17. In its supplement, WFYN states that, in view of WRMF's offer to reimburse WFYN for up to $25,000 of the expenses that it might reasonably and prudently incur in voluntarily changing its channel, WFYN would be willing to withdraw its request for hearing if certain conditions are met. The conditions are that the matters at issue in this proceeding can be resolved expeditiously so that WFYN may receive authority to operate on Channel 222 with the improved facilities specified in its pending application for increase in power (File No. 820222AX) by year-end; and that WRMF and WFYN can reach agreement on a specific reimbursement figure. WFYN states that it remains seriously concerned by the fact that the channel change may in the future prove to have been a *de facto* downgrading of its current authorization from Class C to Class C–1. WFYN further states that, however, if this proceeding can be resolved promptly and in a manner that will achieve the noted public and private benefits, WFYN is prepared to leave that problem for resolution in a future proceeding.

Conclusions

18. This case involves the Commission's priorities for conflicting FM channel assignments in accordance with the provisions of Section 307(b) of the Communications Act of 1934, as amended. The *Second Report and Order, Revision of FM Assignment Policies and Procedures*, BC Docket No. 80–130, 90. F.C.C. 2d 88 (1982) set forth the followng priorities:

(1) First-time aural service
(2) Second full-time aural service
(3) First local service
(4) Other public interest considerations

Using these priorities, we are called upon first to compare the need for allowing Station WRMF to change its site by the substitution of Channel 276A

[1] *Second Report and Order, Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982).

[2] No objections have been raised to acceptance of the additional comments.

[3] WFYN submits that the hearing request should be initiated only if it is determined that neither Channel 221A nor Channel 276A should be assigned to Marco.

or Channel 249A at Naples against utilizing Channel 276A to provide an additional station at Naples. If the latter request is chosen, the need to compare the desirability of using Channel 276A at Naples with the use of that channel at Marco may also be necessary depending on the resolution of a few preliminary issues with regard to certain suggested alternative channels at Marco.

19. With respect to the first priority, none of the proposals herein would appear to provide a first full-time aural service. However, WRMF makes a showing that it could provide a first FM service to an area of 329 square miles of land area, and we have traditionally placed a very high priority on the provision of such service. Neither the Marco proposal nor the Naples proposal for the addition of Channel 276A could provide a first full-time aural service.

20. Concerning the area in which WRMF would provide a first FM service, we have not been provided with an estimate on the amount of population expected to be served. Our own analysis of the area, after looking at several maps, was inconclusive. However, we did notice the existence of a few small populated areas. On the basis of this finding, we believe the provision of a first FM service to an area of some population, albeit small, is of a greater priority than any of the factors weighing in favor of the Naples request. See *Lockhart, Texas*, 47 R.R. 2d 1598 (1980). The Lockhart case recognized the priority of a first FM service to an area in according qualitative judgments to a comparative proceeding of this type. We have also considered the fact that Naples is, or will be, well served by the four existing and one pending (Channel 288A) stations. As for the unserved area, proposed to be reached by WRMF's site change, we regard the potential for an increase in population in that area as a possibility. Accordingly, we find that the Naples substitution should be preferred to an additional station there. As such, we need not compare the use of Channel 276A at Naples and Marco. Concerning the reimbursement question, WRMF has stated that it would cover the costs of Station WSGL for its frequency change.

21. WRMF has also committed itself to reimburse WFYN for up to $25,000 of its reasonable costs in changing from Channel 223 to Channel 222 so that Channel 224A can be assigned to Marco. Sunshine, the Marco proponent, has argued that it should not be required to reimburse WFYN becase the real beneficiary of WFYN's change of channels is WRMF. WFYN has withdrawn its request for a hearing on the modification of its license upon two conditions, that its application for increase in power (File No. 820222AX) is timely granted and that a specific reimbursement figure is agreed upon. In fact, WFYN's application was granted on October 29, 1982. As to the reimbursement of WFYN's expenses, we expect that WRMF and WRYN will reach an agreement on what constitutes a reasonable figure. In view of WRMF's willingness to reimburse WFYN, we do not reach the question of the extent to which Marco has benefitted from the Key West substitution of channels. Therefore, we have not required the ultimate Marco beneficiary to participate in the reimbursement. See, *e.g., Elizabethtown, Kentucky*, 26 F.C.C 2d 162 (1970).

22. As for Deltona's objection to the assignment of Channel 224A to Marco, the issue of economic impact is more appropriately considered at the application stage rather than in a rule making proceeding. See, *e.g. Beaverton, Michigan*, 44 R.R. 2d 55 (1978); and *Grand Junction, Colorado*, 26 R.R. 2d 513 (1973). Finally, as for WFYN's contention that we should seek further data from WRMF and Sunshine to resolve their conflicting views on whether Channel 221A could be used in Marco, we have no showing of site availability. Further, Sunshine has stated that it would not be interested in applying for authority to operate on Channel 221A in Marco. With no interest expressed by Sunshine or others in the use of Channel 221A in Marco, we see no reason to further pursue its assignment here.

23. For the reasons set forth above, we conclude that the public interest would be served by the substitution of Channel 276A for Channel 249A in Naples, Florida, and the assignment of Channel 224A to Marco, Florida.

24. Authority for adoption of the amendments herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules.

25. Accordingly, *it is ordered*, That effective June 27, 1983, § 73.202(b) of the Commission's Rules, the FM Table of Assignments, *is amended* as follows:

City	Channel No.
Key West, Florida	222, 254, 258, 296A.
Marco, Florida	224A, 266.
Naples, Florida	228A, 233, 276A, 288A.

26. *It is further ordered*, That pursuant to § 316(a) of the Communications Act of 1934, as amended, effective June 27, 1983, the license of Sterling Communications Corporation for Station WSGL, Naples, Florida, *is modified* to specify operation on Channel 276A, in lieu of Channel 249A, with the condition that it will be reimbursed by WRMF, Inc. for the reasonable costs involved in changing frequencies.

27. *It is further ordered*, That the license of Florida Keys Broadcasting Corporation for Station WFYN, Key West, Florida; *is modified* to specify operation on Channel 222 in lieu of Channel 223 with the condition that reimbursement of the reasonable costs incurred in changing frequencies will be provided by WRMF, Inc. The license modifications of Stations WSGL and WFYN are subject to the following conditions:

(a) The licensee shall file with the Commission a minor change application for a construction permit (Form 301) specifying the new facilities.

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's Rules.

28. *It is further ordered*, That the Secretary shall send a copy of this *Order* by *certified mail, return receipt requested*, to: Sterling Communications Corporation, Box 8899, Naples, Florida, 33941; and Florida Keys Broadcasting Corporation, Box 2515, Key West, Florida, 33040.

29. *It is further ordered*, That this proceeding is terminated.

30. For further information concerning the above, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-11792 Filed 5-2-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

Radio Broadcast Services; Amendment of the Commission's Rules To Incorporate Certain Editorial Changes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This Order revises § 73.3542 of the Commission's Rules relating to radio broadcast services to bring the

rule into conformance with revisions to Section 309(f) of the Communications Act, which now allows the Commission to issue special temporary authorizations for 180-day periods when extraordinary circumstances necessitate temporary operations.

EFFECTIVE DATE: April 21, 1983.

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

FOR FURTHER INFORMATION CONTACT: Michael E. Teaney, Mass Media Bureau, (202) 632-6485.

List of Subjects in 47 CFR Part 73

Communications equipment.

Order

In the matter of Amendment of § 73.3542 of the Commission's Rules to incorporate certain editorial changes.

Adopted: April 15, 1983.

Released: April 21, 1983.

1. On September 13, 1982, Section 309(f) of the Communications Act of 1934 was amended [1] to expand the Commission's ability to grant special temporary authority (STA). Prior to this amendment, the Commission's authority to grant STA's was limited to a period of ninety days and only in situations involving emergency conditions. Once issued, an STA could be renewed only for one additional period of ninety days. With the amendment of Section 309(f), the Commission may now authorize a radio station to operate under special temporary authority for up to 180 days without prior notice of the application when extraordinary circumstances necessitate temporary operations. The special temporary authority may be renewed for additional periods of 180 days each, at the discretion of the Commission.

2. To implement the Commission's expanded STA authority for broadcast stations, we are amending § 73.3542 of the Rules, as indicated in the Appendix. The amendments adopted herein impose no additional burdens upon licensees or the public. We conclude that adoption of these amendments as shown in the Appendix will serve the public interest. Because the amendments impose no additional burdens and raise no issues upon which public comments would be useful, compliance with the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), is unnecessary. Because the amendments adopted herein are editorial and pertain to agency practice and procedure, compliance with the notice and comment and effective date provisions is not required. 5 U.S.C. 553(b)(A) and 553(d)(3). Authority for the amendments adopted herein is contained in Sections 4(i), 303(r) and 309(f) of the Communications Act of 1934, as amended, and § 0.283 of the Commission's Rules and Regulations, 47 CFR 0.283.

3. In view of the foregoing, it is ordered, effective April 21, 1983, that § 73.3542 of the Commission's Rules and Regulations is amended as set forth in the Appendix hereto.

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

Laurence E. Harris,

Chief, Mass Media Bureau.

Appendix

PART 73—[AMENDED]

Section 73.3542 is amended by revising the introductory texts of paragraphs (a) and (b) to read as follows:

§ 73.3542 [Amended]

(a) Temporary authority may be granted to a licensee or permittee of a broadcast station to operate such station for a period not to exceed 180 days. Requests should be filed with the FCC at least 10 days prior to the date of the proposed operation. Requests should be accompanied by a statement giving full particulars regarding the purpose for the request.

* * * * * * *

(b) Temporary authority may be granted in circumstances requiring emergency operation to serve the public interest. Such situations include: emergencies involving danger to life and property; during a national emergency proclaimed by the President or the Congress of the U.S.A.; and during the continuance of any war in which the United States is engaged, and where such action is necessary for the national defense or security or otherwise in furtherance of the war effort.

* * * * *

[FR Doc. 83-11778 Filed 5-2-83; 8:45 am]

BILLING CODE 6712-01-M

[1] The Communications Amendments Act of 1982, Pub. L. 97-259, Section 114, amended Section 309(f) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(f).

Proposed Rules

Federal Register
Vol. 48, No.86
Tuesday, May 3, 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

Office of the Secretary

7 CFR Part 21

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970; Acquisition and Relocation for Federal and Federally Assisted Programs

AGENCY: Office of Operations, USDA.

ACTION: Notice of model regulations and request for comments.

SUMMARY: The Department of Transportation (DOT), at the request of the Office of Management and Budget, published in the **Federal Register** on April 14, 1983, 48 FR 16198, a notice of proposed rulemaking (NPRM) under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). This proposed DOT rule, developed by an interagency working group, is intended to eventually serve as a model for regulations to be issued by all other Federal agencies with programs covered by the Uniform Act. Those agencies will be requested by OMB to review their existing regulations and to revise them to be substantially identical to the final DOT regulations.

State and local agencies and individuals affected by programs of the United States Department of Agriculture may wish to review and comment on the proposed regulation within the prescribed period. Appropriate DOT officials will be available to respond to any questions which may arise on this matter. To the extent possible, it is intended that all major issues be resolved through the DOT NPRM and that the subsequent rules of this agency will adhere closely to the DOT model. Copies of comments sent to DOT may also be sent to the Director, Office of Operations, in this Department.

DATE: Comments must be received by the Department of Transportation on or before May 31, 1983.

ADDRESS: Send comments to Docket Clerk, OST Docket No. 79, Department of Transportation, 400 7th St., SW., Room 10241, Washington, D.C. 20590. Copies of comments sent to DOT may also be sent to Director, Office of Operations, United States Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mrs. Ladelle H. Ray, Office of Operations, United States Department of Agriculture, Washington, D.C. 20250, (202) 447–5113.

Done in Washington, D.C., this 27th day of April 1983.

Frank Gearde, Jr.,
Director, Office of Operations.

[FR Doc. 83-11735 Filed 5-2-83; 8:45 am]
BILLING CODE 3410-HL-M

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Grapefruit Juice

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to revise the voluntary U.S. Standards for Grades of Grapefruit Juice. The proposed rule was developed by the United States Department of Agriculture (USDA) at the request of major segments of the citrus industry. This proposed rule would: (1) Allow additional dilution ratios in frozen concentrated grapefruit juice; (2) amend the required Brix for grapefruit juice from concentrate to conform to the requirements of the Food the Drug Administration (FDA) Standards of Identity for Grapefruit Juice; and (3) make minor editorial changes. Its effect would be to improve the standards and promote orderly and efficient marketing of grapefruit juice.

DATE: Comments must be received on or before July 5, 1983.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Paul Jennings, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, Telephone (202) 447–6247.

SUPPLEMENTARY INFORMATION: This rule has been revised under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601), because this reflects current marketing practices.

The currently effective standards for grades of frozen concentrated grapefruit juice do not allow for dilution ratios other than three parts water to one part concentrate. Some processors of frozen concentrated grapefruit juice market products that have higher concentration than is allowed in the currently effective standards. These products must be graded as concentrated grapefruit juice for manufacturing, which does not represent the intended use of the products. Providing other dilution ratios would promote orderly marketing of these products.

The United States Standards for Grades of Grapefruit Juice, effective September 17, 1981, cited the FDA Standards of Identity for Grapefruit Juice as the minimum requirement for degrees Brix in both grapefruit juice and grapefruit juice from concentrate. The FDA requirement was nine (9) percent soluble solids. On June 4, 1982, the FDA stayed the soluble solids requirement in the Standards of Identity for Grapefruit

juice. On September 15, 1982, the USDA published in the **Federal Register** a revision of the United States Standards for Grades of Grapefruit Juice to require a minimum of nine (9) percent soluble solids in both grapefruit juice and grapefruit juice from concentrate. On October 1, 1982, the FDA amended the Standards of Identity for Grapefruit Juice to set the minimum soluble solids requirement at ten (10) percent for grapefruit juice from concentrate. The effective date of the FDA minimum solids requirement is July 1, 1983. This proposal would change the soluble solids requirement in the grade standards for grapefruit juice from concentrate from nine (9) percent to ten (10) percent. This proposed action would align the grade standards with the FDA Standards of Identity.

Several editorial changes in the definition of terms and in Tables I through V would promote better understanding and uniformity.

List of Subjects in 7 CFR Part 52

Processed fruits and vegetables, Food grades and standards.

Accordingly, the United States Standards for Grades of Grapefruit Juice (7 CFR 52.1221–52.1230) would be revised to read as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

* * * * *

Subpart—United States Standards for Grades of Grapefruit Juice

Sec.

52.1221 Product description.
52.1222 Styles.
52.1223 Color.
52.1224 Definitions of terms.
52.1225 Recommended sample unit size.
52.1226 Grades.
52.1227 Factors of quality and analysis.
52.1228 Requirements for grades.
52.1229 Sample size.
52.1230 Lot requirements.

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624).

Subpart—United States Standards for Grades of Grapefruit Juice

§ 52.1221 Product description.

(a) "Grapefruit juice" is the product represented as defined in the Standards of Identity for Grapefruit Juice (21 CFR 146.132), issued under the Federal Food, Drug, and Cosmetic Act.

(b) "Grapefruit juice from concentrate" is the product represented as defined in the Standards of Identity for Grapefruit Juice (21 CFR 146.132), issued under the Federal Food, Drug, and Cosmetic Act.

(c) "Frozen concentrated grapefruit juice" is processed by concentrating and preserving by freezing the product represented as defined in the Standards of Identity for Grapefruit Juice (21 CFR 146.132), issued under the Federal Food, Drug, and Cosmetic Act.

(d) "Concentrated grapefruit juice for manufacturing" is processed by concentrating and preserving by physical means the product represented as defined in the Standards of Identity for Grapefruit Juice (21 CFR 146.132), issued under the Federal Food, Drug, and Cosmetic Act. The finished product may not contain any additives except cold-pressed oil, to standardize flavor, and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act.

(e) "Dehydrated grapefruit juice" is processed by concentrating and preserving by dehydration the product represented as defined in the Standards of Identity for Grapefruit Juice (21 CFR 146.132), issued under the Federal, Food, Drug, and Cosmetic Act.

§ 52.1222 Styles.

(a) Unsweetened.

(b) Sweetened (Sweetener added).

§ 52.1223 Color.

(a) White or amber.

(b) Pink or red.

§ 52.1224 Definitions of terms.

In these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Acid* means the percent, by weight, of total acidity (calculated as anhydrous citric acid).

(b) *Appearance* means the physical properties of grapefruit juice which are evaluated by the human eye.

(c) *Brix* means the total soluble solids as determined when tested with a Brix hydrometer and applying the applicable temperature correction. The Brix may be determined by any other method that gives equivalent results.

(d) *Brix/Acid Ratio* means the ratio of the degrees Brix of the juice to the grams of anhydrous citric acid per 100 grams of the juice.

(e) *Brix value* means the refractometric sucrose value determined in accordance with the "International Scale of Refractive Indices of Sucrose Solutions" and to which the applicable correction for acid is added. The Brix value is determined in accordance with the refractometric method outlined in the "Official Methods of Analysis of the Association of Offical Analytical Chemists."

(f) *Brix value/Acid Ratio* means the ratio of the Brix value of the concentrate, in degrees Brix, to the grams of anhydrous citric acid per 100 grams of concentrate.

(g) *Coagulation* means curdling of grapefruit juice.

(h) *Color.*—(1) *Good color* means the grapefruit juice is representative of juice expressed from mature, well-ripened grapefruit; and the grapefruit juice may show fading and lack of luster.

(2) *Reasonably good color* means the grapefruit juice may be slightly, but not materially, affected by scorching, oxidation, or caramelization.

(i) *Defects* means juice cells, seeds or portion of seeds, specks, particles of membrane, core, peel, or any other distinctive features that adversely affect the appearance or drinking quality of grapefruit juice.

(1) *Practically free from defects* means defects in excess of that normally expected in grapefruit juice are not present.

(2) *Reasonably free from defects* means the presence of defects does not seriously affect the appearance or drinking quality of grapefruit juice.

(j) *Flavor.*—(1) *Good flavor* means:

(i) *Grapefruit juice* that is typical of freshly extracted juice from mature, well-ripened grapefruit. The grapefruit juice may be slightly affected by processing, packaging or storage conditions.

(ii) *Grapefruit juice from concentrate* that is typical of juice from mature, well-ripened grapefruit. The grapefruit juice may be slightly affected by processing, packaging or storage conditions.

(iii) *Frozen concentrated grapefruit juice* that is typical of freshly extracted juice from mature, well-ripened grapefruit; and does not have more than slight trace of bitterness.

(iv) *Concentrated grapefruit juice for manufacturing* that is practically free from traces of scorching, caramelization, oxidation, and terpene.

(v) *Dehydrated grapefruit juice* that is free from terpene, caramelization, oxidation, and rancid flavors.

(2) *Reasonably good flavor* means:

(i) *Grapefruit juice* that is materially but not seriously affected by bitterness, terpene, processing, storage, or container flavors.

(ii) *Grapefruit juice from concentrate* that is materially but not seriously affected by bitterness, terpene, processing, storage, or container flavors.

(iii) *Frozen concentrated grapefruit juice* that is fairly typical of freshly

extracted grapefruit juice, no more than slightly affected by bitterness, and is free from abnormal flavors of any kind.

(iv) *Concentrated grapefruit juice for manufacturing* that is no more than slightly affected by scorching, caramelization, or oxidation. It may have a trace of terpene, but is free from any other abnormal flavors.

(v) *Dehydrated grapefruit juice* that is no more than slightly affected by scorching, caramelization, oxidation, or terpene flavors, but is free from any other abnormal flavors.

(k) *Free and suspended pulp* means the particles of membrane, core, peel, and similar material that separate from suspension by centrifuging.

(l) *Reconstituted juice* means the product obtained by thoroughly mixing the concentrate with the amount of water prescribed on the label or other appropriate directions.

(m) *Reconstitutes properly* means, that upon mixing with water, the concentrate dissolves readily and has no material coagulation or separation.

(n) *Recoverable oil* means the volume of oil that may be recovered from grapefruit juice as determined by the "Official Methods of Analysis of the Association of Official Analytical Chemists."

(o) *Sample unit* means a portion of grapefruit juice used for grading.

(p) *Terpene* means a specific flavor found in oils and resins.

§ 52.1225 Recommended sample unit size.

The requirements for all factors of quality and analysis are based on the following:

(a) The entire contents of a container;

(b) A representative portion of the contents of a container;

(c) A combination of the contents of two or more containers; or

(d) A portion of unpacked product.

§ 52.1226 Grades.

(a) *U.S. Grade A* is the quality of grapefruit juice that meets the applicable requirements of Table I through V.

(b) *U.S. Grade B* is the quality of grapefruit juice that meets the applicable requirements of Tables I through V.

(c) *Substandard* is the quality of grapefruit juice that fails to meet the requirements for "U.S. Grade B."

§ 52/1227 Factors of quality and analysis.

The grade for a lot of product is based on observation and analysis of grapefruit juice and reconstituted grapefruit juice for the following quality and analytical factors:

(a) *Quality:*

(1) Appearance;
(2) Coagulation;
(3) Color;
(4) Defects;
(5) Flavor;
(6) Reconstitution; and
(7) Total score points.

(b) *Analytical:*

(1) Brix measurement or Brix value measurement;

(2) Brix/acid ratio or Brix value/acid ratio;

(3) Free and suspended pulp; and

(4) Recoverable oil.

§ 52.1228 Requirements for grades.

TABLE I.—GRAPEFRUIT JUICE

Factors	Grade A	Grade B
Quality:		
Appearance	Fresh grapefruit juice	Fresh grapefruit juice.
Coagulation	None	Slight.
Color	Good	Reasonably good.
Score Points	18–20	16–17
Defects	Practically free	Reasonably free.
Score Points	18–20	16–17
Flavor	Good	Reasonably good.
Score Points	54–60	48–53
Total Score Points	Minimum –90	Minimum –80

	Unsweetened	Sweetened	Unsweetened	Sweetened
Analytical:				
Brix: Minimum	9.0°	11.5°	9.0°	11.5°
Brix/acid ratio:				
Minimum	8.0:1	9.0:1	7.0:1	9.0:1
Maximum	14.0:1	14.0:1	None	None
Free and suspended pulp (percent by volume): Maximum	10		15	
Recoverable oil (percent by volume): Maximum	0.020		0.025	

TABLE II.—GRAPEFRUIT JUICE FROM CONCENTRATE

Factors	Grade A	Grade B
Quality:		
Appearance	Fresh grapefruit juice	Fresh grapefruit juice.
Coagulation	None	Slight.
Color	Good	Reasonably good.
Score Points	18–20	16–17
Defects	Practically free	Reasonably free.
Score Points	18–20	16–17
Flavor	Good	Reasonably good.
Score Points	54–60	48–53
Total Score Points	Minimum –90	Minimum –80

	Unsweetened	Sweetened	Unsweetened	Sweetened
Analytical:				
Brix: Minimum	10.0°	11.5°	10.0°	11.5°
Soluble grapefruit solids, exclusive of sweeteners (percent by weight): Minimum		10.0		10.0
Brix/Acid ratio:				
Minimum	8.0:1	9.0:1	7.0:1	9.0:1
Maximum	14.0:1	14.0:1	None	None
Free and suspended pulp (percent by volume): Maximum	10		15	
Recoverable oil (percent by volume): Maximum	0.020		0.025	

TABLE III.—FROZEN CONCENTRATED GRAPEFRUIT JUICE

Factors	Grade A	Grade B
Quality:[1]		
Appearance	Fresh grapefruit juice	Fresh grapefruit juice.
Color	Good	Reasonably good.
Score points	18–20	16–17
Defect	Practically free	Reasonably free.
Score Points	18–20	16–17
Flavor	Good	Reasonably good.
Score Points	54–60	48–53
Reconstitution	Reconstitutes properly	Reconstitutes properly.
Total Score Points	minimum –90	Minimum –80.

	Unsweetened	Sweetened	Unsweetened	Sweetened
Concentrate				
Analytical:				
Brix value Minimum	38.0°	38.0°	38.0°	38.0°
Brix value/acid ratio:				
Minimum	9.0:1	10.0:1	7.0:1	8.0:1
Maximum	14.0:1	13.0:1	16.0:1	13.0:1
Reconstituted Juice				
Brix: minimum	10.6°		10.6°	
Minimum soluble grapefruit solids, exclusive of sweeteners (percent by weight)		10.6		10.6
Free and suspended pulp (percent by volume): Maximum	10		15	
Recoverable oil (percent by volume): Maximum	0.020		0.025	
Seeds and portions of seeds that:				
Pass through round perforations 3.2 mm (0.125 in)	No more than slightly detract		No more than materially detract.	
Fail to pass through round perforations 3.2 mm (0.125 in)	Practically none.			

[1] Reconstituted prior to grading.

TABLE IV.—CONCENTRATED GRAPEFRUIT JUICE FOR MANUFACTURING

Factors	Grade A	Grade B
Quality:		
Color	Good	Reasonably good.
Score Points	18–20	16–17
Defects	Practically free.	Reasonably free.
Score Points	18–20	16–17
Flavor	Good	Reasonably good.
Score Points	54–60	48–53
Reconstitution	Reconstitutes properly.	
Total Score Points	Minimum –90	Minimum –80
Analytical		
Brix value/Acid ratio: Minimum	6.0:1	5.5:1
Free and suspended pulp (percent by volume-reconstituted juice): [1] Maximum.	10	12
Seeds and portions of seeds that: [1]		
Pass through round perforations-3.2 mm (0.125 in)	No more than slightly detract.	No more than slightly detract.
Fail to pass through round perforations 3.2 mm (0.125 in)	Practically none.	

[1] Reconstituted prior to grading.

TABLE V.—DEHYDRATED GRAPEFRUIT JUICE [1]

Factors	Grade A	Grade B
Quality:		
Appearance	Fresh grapefruit juice	Fresh grapefruit juice
Color	Good	Reasonably good.
Score Points	18–20	16–17.
Defects	Practically free.	Reasonably free.
Score Points	18–20	16–17.
Flavor	Good	Reasonably good.
Score Points	54–60	48–53.
Reconstitution	Reconstitutes properly.	
Total Score Points	Minimum –90	Minimum –80.

	Unsweetened	Sweetened	Unsweetened	Sweetened
Analytical:				
Brix: Minimum	10.0°	11.5°	10.0°	11.5°
Brix/Acid Ratio:				
Minimum	8.0:1	9.0:1	7.0:1	9.0:1
Maximum	14.0:1	14.0:1	None	None
Recoverable oil (percent by volume): Maximum	0.020		0.025	

[1] Reconstituted prior to grading.

§ 52.1229 Sample size.

The sample size to determine acceptance with the requirements of these standards shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1 through 52.83).

§ 52.1230 Lot requirements.

A lot of grapefruit juice is considered as meeting the requirements for quality if:

(a) The requirements specified in Tables I, II, III, IV, and V, as applicable, are met; and

(b) The sampling plans and procedures in 7 CFR 52.1 through 52.83 are met.

Done at Washington, D.C., on April 27, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-11691 Filed 5-2-83; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-13183; File No. S7-973]

Exemption From Section 22(d) To Permit the Sale of Redeemable Securities at Prices That Reflect Different Sales Loads

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission today is publishing for public comment a rule that would exempt, under certain conditions, registered investment companies and the principal underwriters of and dealers in such companies' shares from section 22(d) of the Investment Company Act of 1940, which generally requires that such shares be sold to the public only at a current public offering price described in the prospectus. The Commission believes that the proposed rule would obviate the necessity for such companies to file applications requesting exemptive relief from section 22(d) in many circumstances where applications must now be filed and would permit greater competition in the pricing of mutual fund shares.

If the proposed rule is adopted, rules 22d–1 through 22d–5 will become superfluous and, therefore, obsolete. Accordingly, the Commission proposed to rescind them should the proposed rule be adopted.

DATE: Comments must be received by August 1, 1983.

ADDRESS: Send comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549 (Reference to File No. S7–973). All

comments received will be available for public inspection and copying in the Commission Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Bruce Mendelsohn, Chief, (202) 272–2048 or Jeffrey S. Puretz, (202) 272–3036, Office of Regulatory Policy, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Commission is publishing for public comment proposed rule 22d–6 under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–1 et seq.] which would exempt, under certain conditions, a registered investment company that is the issuer of redeemable securities, a principal underwriter of such securities, or a dealer therein from section 22(d) of the Act [15 U.S.C. 80a–22(d)]. The Commission believes that the proposed rule is consistent with the purposes of the Act, as discussed below. It further believes that the rule would result in no diminution of investor protection while both obviating the necessity for investment companies to file a substantial number of applications requesting exemption from section 22(d) of the Act and permitting greater competition in the pricing of the shares of investment companies.

This release summarizes the legislation and administrative history of section 22(d) of the Act, the reasons for the proposed rule, and the provisions of the proposed rule. The appendix to this release discusses these matters in detail. The appendix will be published in the SEC Docket; a copy of the appendix may be obtained directly from the Commission by contacting the above-mentioned contact persons.

Background

Section 22(d) of the Act prohibits a registered investment company and a principal underwriter [1] of or a dealer [2] in its redeemable securities from selling such securities to "any person" [3] except at a current public offering price described in its prospectus.[4] This section effectively prohibits price competition in sales loads on mutual fund shares at the retail level.

1. Purposes of Section 22(d)

Since there is relatively little in the Act's legislative history to explain the purpose of section 22(d),[5] it is not clear that retail price maintenance was itself the purpose of the section. In the years since the enactment of the Act, arguments have been advanced that section 22(d) was intended as a means to prevent three abuses that existed in the distribution of investment company shares prior to 1940. These arguments are discussed in the appendix to this release and are summarized herein.

The first of the abuses that the Act has been said to address was riskless trading by insiders and the dilution of fund assets that resulted under the system of backward pricing utilized prior to passage of the Act and for many years thereafter. Under the backward pricing system, the price of a mutual fund share was based upon the fund's net asset value per share determined at the close of the market on the previous day. If the market gained, an investor could purchase fund shares near the end of the day at the price based upon the previous day's valuation, knowing that the net asset value of the shares was greater than the price he was paying, thereby diluting the interests of existing shareholders. the transaction could be made riskless by redeeming the shares the following day, before a new (and possibly lower) price reflecting that day's market activity was established. While payment of a sales load made riskless trading impossible, since the sales load would more than offset any profit that could result from one day's increase in the value of a fund's shares, certain insiders and favored customers could often purchase fund shares without paying a sales load. Since the overwhelming majority of open-end funds at the time of the act were load funds, the enactment of section 22(d) greatly reduced the possibility of dilution occurring from such riskless trading practices by requiring all investors to pay the same sales load.

The second purpose which has been suggested for section 22(d) was to avoid disruption in the orderly distribution of mutual fund shares and the development of a secondary market in such shares. Prior to 1940, authorized dealers who distributed a fund's shares were generally bound by contract with the principal underwriter to charge a single price described in the prospectus, and were not given the discretion to lower share prices. Non-contract dealers were able to compete with contractual dealers by paying investors wishing to sell shares a little more than the published redemption price and offering the shares at less than the published sales price. This situation apparently led to a somewhat active secondary market, the so-called "bootleg market," which is said to have resulted in the cancellation of many selling agreements between underwriters and contractual dealers and threatened to undermine the orderly distribution system.[6] Representatives of the industry have contended that an orderly distribution system under the control of the funds facilitates the funds' ability to offer constant redemption of their shares. It has been argued that section 22(d) was intended to preserve such orderly distribution by eliminating competition from non-contract dealers.

The third abuse arguably addressed by section 22(d) was discrimination among investors resulting from a fund charging different prices to different investors. While commentators have differed on whether section 22(d) was intended to address price discrimination,[7] it appears that Congress contemplated that more than one offering price could be charged different investors since it used the phrase "a current public offering price described in the prospectus" rather than "the price." In this regard, the Commission has long viewed volume and group discounts and other specified types of discounts as consistent with the purposes of section 22(d). It has granted a large number of exemptions by rule and by order premised on the theory that discrimination is not unjust, and thus the purpose of the section is not

[1] Section 2(a)(29) of the act [15 U.S.C. 80a–2(a)(29)] defines principal underwriter for an issuer of redeemable securities to be any underwriter who as principal purchases or has the right to purchase from such company securities for distribution, or as agent for such comnpany sells such security to a dealer or the public or both.

Section 2(a)(40) of the Act [15 U.S.C. 80a–2(a)(40)] defines underwriter to be any person who purchases from an issuer with a view to the distribution of any security.

[2] Section 2(a)(11) of the Act [15 U.S.C. 80a–2(a)(11)] defines dealer to be any person engaged in buying and selling securities for his own account as part of a regular business.

[3] Section 2(a)(28) of the Act [15 U.S.C. 80a–2(a)(28)] defines person as a natural person or a company.

[4] Section 22(d) further provides that the prohibition against selling redeemable securities except at a current public offering price described in the prospectus does not apply to sales of such securities to a dealer, a principal underwriter, or the issuer of the securities where the securities are offered to the public by or through an underwriter.

[5] See *Report of the Securities and Exchange Commission on the Public Policy Implications of Investment Company Growth*, H.R. Rep. No. 2337, 89th Cong., 2d Sess. 219 (1966) (hereinafter "PPI").

[6] *See* Greene, *The Uniform Offering Price of Mutual Fund Shares Under the Investment Company Act of 1940*, 37 U. Det. L. J. 369, 372 (1960).

[7] *See* Greene, *supra* n. 6, at 371 (citing prevention of discrimination as a purpose "well known in the industry and to the Commission"). *Cf.* Heffernan and Jorden, *Section 22(d) of the Investment Company Act of 1940—Its Original Purpose and Present Function*, 1973 Duke L. J. 975, 990 (arguing that legislative history does not support prevention of discrimination as a purpose).

violated, if there is a rational basis for the variation in sales load. At the same time, the Commission has expressed concern that retail price maintenance may be unfair when investors requiring different levels of sales efforts must be charged the same sales load.[8]

2. Prior Studies and Recommendations

The effect of section 22(d) on the pricing and distribution of mutual fund shares has been the subject of substantial analyses and numerous reports by the Commission. A history of such matters is presented in the appendix, and the concerns of the Commission are summarized herein. In a report to Congress in 1966, the Commission noted that because section 22(d) prohibits competition among retail dealers, competition among distributors (principal underwriters) had had the effect of raising rather than lowering mutual fund share prices to investors. Underwriters, instead of competing for sales through lower sales loads to investors, had competed for the favor of the retailers who sell the shares by increasing the sales loads and thus the retailers' compensation.[9]

In the 1970 amendments to the Investment Company Act, Congress adopted an amendment to section 22(b) of the Act [15 U.S.C. 80a–22(b)] that gave rulemaking authority with Commission oversight to the National Association of Securities Dealers, Inc. ("NASD") to prevent mutual fund shares from being sold at excessive rates. In its 1971 letter of transmittal accompanying its Institutional Investor Study Report, the Commission stated that "fixed rates on orders (for fund shares) above a given size can no longer be justified" and suggested that ways of reducing costs of acquiring shares be found.[10]

The Commission held hearings in 1973 to obtain the views of interested persons with respect to what changes in mutual fund distribution might be desirable. At those hearings, most industry representatives opposed repeal of section 22(d). After the hearings, the Commission submitted another report to Congress, recommending that it be permitted to pursue a program that would lay the groundwork for a gradual and orderly introduction of price competition in the sales of mutual fund shares through administrative action.[11]

[8] PPI, *supra* n. 5, at 221.

[9] *Id.*, at 221.

[10] House Doc. No. 92–64, 92d Cong., 1st Sess., pt. 8, at xix-xxi (1971).

[11] Division of Investment Management Regulation, *Mutual Fund Distribution and Section 22(d) of the Investment Company Act of 1940*, at v (August 1974); *See* Investment Company Act Release No. 8570 (November 4, 1974) (announcing program).

Since announcing that program, the Commission has taken a number of steps toward modifying regulation of the mutual fund distribution system, including easing restrictions on mutual fund advertising and approving an NASD rule amendment that set a ceiling on sales loads and tied incremental increases in sales loads to the services offered by a dealer. In addition, the Commission has adopted several additional rules exempting certain transactions from the provisions of section 22(d) and has been receptive to applications for exemptive relief.[12] The staff has also taken no-action positions in numerous situations in which funds have stated their intention to use reduced sales loads.

Discussion

1. Reasons for the Rule

a. Appropriate Business Judgment Determination

Over the last few years, the Commission has implemented a policy of reducing its involvement and that of its staff in regulating the decisions of investment companies to the extent that such reduced involvement is consistent with investor protection. The Commission views the decision to establish a pricing system that permits variations in sales loads to be one that is particularly appropriate for management to make. Since rule 22c–1 [17 CFR 270.22c–1], as discussed hereafter, has eliminated the possibility of dilution resulting from the "riskless trading" practices described earlier, the determination of whether to permit variations in sales loads now involves basically a consideration of marketing factors. Investment companies and their underwriters are in the best position to know and assess such factors.

The Commission further believes that the determination of whether to permit price variations is a business judgment determination in which it is appropriate for the Commission to reduce its involvement because sufficient investor protections are provided elsewhere in the securities laws, as discussed in the appendix and summarized herein. Section 15(c) of the Act [15 U.S.C. 80a–15(c)] requires that the terms of any underwriting contract or of the renewal of any underwriting contract be approved by the vote of a majority of directors who are neither parties to such contract nor interested persons of such parties. Inasmuch as the terms of such a contract would reflect any price variations that an underwriter has determined to permit, the directors would be apprised of such variations and would have an opportunity to consider the effect of such variations on the fund.

Where fund shares are to be sold at negotiated loads, further investor protections against excessive or unjust discriminatory prices are provided by provisions of the Securities Act of 1933 [15 U.S.C. 77a et seq.], the Securities Exchange Act of 1934 [15 U.S.C. 78a–1 et seq.], and NASD rules, which provide disclosure requirements and professional standards for brokers-dealers, in addition to limiting the maximum amount of sales loads.

b. Changes in Circumstances

Since enactment of the Act, circumstances have changed so as to diminish substantially several concerns relating to the alleged purposes of section 22(d). These changed circumstances, reflecting both regulatory and marketplace developments, are discussed in the appendix and summarized herein.

As noted above, the concern of dilution of fund assets arising from "riskless trading" by insiders was addressed by the adoption of rule 22c–1 under the Act [17 CFR 270.22c–1], which prohibits "backward pricing" and requires instead "forward pricing" whereby the price of shares is based upon a fund's net asset value per share next determined after receipt of an order for purchase (generally at the close of business on the day of a sale), rather than the previous day. Rule 22c–1, by eliminating the possibility of a purchaser or seller taking advantage of any discrepancy between a fund's current net asset value and a sales price based upon the previous day's net asset value, renders retail price maintenance unnecessary as a method of preventing dilution from riskless insider trading.

The concern of unjust price discrimination among purchasers has been substantially dispelled by the results achieved under Securities Exchange Act rule 19b–3 [17 CFR 240.19b–3], which, since its adoption in 1975, has prohibited the national securities exchanges' prior practice of requiring their members to charge fixed brokerage commissions. Market experience under rule 19b–3 has shown that commission rates have fallen into rational patterns that reflect the sales costs involved and the services provided.

The concern of maintaining an orderly market in mutual fund shares should be considered in light of industry and regulatory developments. It has been argued since before enactment of the

[12] The Commission receives approximately 20 applications per year requesting exemptive relief from section 22(d) or the rules thereunder.

Act that an ongoing continuous sales effort by contractual dealers is necessary to prevent the funds from experiencing net redemptions of their shares, and that a secondary market would undermine the contractual distribution system. The number and size of no-load funds, however (even excluding money market funds), has grown over the years. In this regard, because of regulatory changes, it is now possible to provide investors with more information through fund advertising. Moreover, as the Commission has relaxed the restrictions against retail price competition by rule and by order, funds have established numerous types of plans whereby fund shares are sold at a greater variety of reduced sales loads. These developments suggest that some mutual funds may find that it is in their best interests either to establish distribution plans that reflect greater price flexibility or to permit the dealers in their shares to negotiate sales loads with investors. In any event, mutual funds and their underwriters would seem to be in a better position than the Commission to make that determination. Under the proposed rule, funds that believe that retail price maintenance is desirable for them could continue it.

c. Cost

In the years since 1974, mutual funds have filed an increasing number of applications seeking exemptive relief from section 22(d) and requests for interpretation thereof.[13] Not only have funds incurred costs in preparing applications for exemption or requests for interpretive advice, but the processing of these applications and inquiries has imposed a substantial burden on the staff. Furthermore, there have undoubtedly been instances in which investment companies have not pursued a system of varied sales loads because of the cost and delay involved in applying for exemptive relief.[14] Accordingly, the Commission believes that it is appropriate to dispense with, or at least minimize, its involvement with decisions of mutual funds concerning the pricing of their shares and to permit investment companies the flexibility to determine what pricing system is best for them and their investors.

[13] In that time, the Division of Investment Management has issued, pursuant to delegated authority, over 150 orders of exemption. In addition, the Division has answered over 100 written interpretive requests and numerous other inquiries concerning the section and the rules adopted thereunder.

[14] The Commission's records show no applications have been submitted for orders permitting negotiated sales loads.

2. The Proposed Rule

The proposed rule provides that a company may adopt a pricing system that includes rates (1) described in a schedule, (2) that are determined by a process of negotiation, or (3) which combine such two methods.[15] This provision is intended to give investment companies maximum flexibility in establishing the pricing of their shares. As state previously, rules 22d–1 through 22d–5 permit companies some flexibility, subject to various conditions, to establish certain scheduled variations in sales loads. Proposed rule 22d–6 would expand this flexibility to permit companies to establish any scheduled variation if the company complies with the conditions of the proposed rule. Rule 22d–6 would also provide that companies may permit negotiated sales loads subject to the same conditions, but only in those situations where the sales load is negotiated and agreed to at the time of purchase and not at the time of redemption.[16]

The conditions under the proposed rule are far more general in their terms than has been the case either in prior rules promulgated under section 22(d) or in individual orders exempting companies from the provisions of section 22(d). This departure reflects the judgment that investment companies should determine what factors are important in determining the best pricing system for their shares. The Commission believes that the proposed rule provides flexibility to registrants without sacrificing appropriate investor protection, and is consistent with the purposes fairly intended by the policy and provisions of the Act, including section 22(d). It does not require mutual funds to sell their shares pursuant to a distribution plan that permits reduced or negotiated sales loads or to change their current distribution system. It is a permissive rule that recognizes that under certain conditions designed to protect investors, mutual funds may unfix the sales loads charged on their redeemable securities. If a fund wishes to introduce new variations or negotiation in its distribution, it would have to comply with the rule's conditions; otherwise, it must continue to sell its securities at uniform prices[17] or seek an order exempting it from section 22(d).

As discussed more fully in the appendix, the proposed rule would require an investment company to set forth in its prospectus specific information concerning the various prices of its securities or the manner in which such amounts can be determined, and where applicable, that the sales load is subject to negotiation. The rule would also require that the prospectus describe the circumstances under which either a scheduled or negotiated sales load would be available.

Several additional disclosures requirements would be imposed where a company's sales load is subject to negotiation. The prospectus would have to disclose the maximum sales load that may be charged. Prior to final agreement on the price, the seller would have to disclose the sales load as a percentage of the total price paid for the shares and as a percentage of the net amount invested. The principal underwriter would be required either to undertake by written agreement to comply with the requirements of this provisions, or, if the company's shares are distributed by the underwriter through independent dealers, to enter into written agreements with such dealers whereby the dealers undertake to comply with such provisions.

As mentioned above, the Commission has adopted in the past rules 22d–1 through 22d–5 exempting certain transactions from the provisions of section 22(d) in limited circumstances. Since proposed rule 22d–6 would

[15] For instance, a company may sell its shares at sales loads determined by a sliding scale of specific percentages up to a certain break point and by negotiation above that break point. Or, it may decide to set forth specific sales loads for shares purchased directly from the company, principal underwriter, or transfer agent but to permit dealers in the company's shares to negotiate sales loads. In those situations in which a fund decides to allow dealers the flexibility to negotiate sales loads, but sets forth in its prospectus specific sales loads with respect to purchases directly from the company, the transfer agent, or the principal underwriter, it would be the position of the Commission that under general anti-fraud theories, a dealer could not charge a purchaser a higher sales load than is available directly from the fund without adequate disclosure of such fact. *See* Letter to Charles Schwab & Co., Inc., (pub. avail. February 8, 1982), permitting a broker-dealer to charge for services in connection with the purchase of shares of a no-load mutual fund where the fee is reasonable for the services provided, taking into consideration that the investor could acquire shares directly.

[16] An investor who negotiates the sales load at redemption is in an inferior bargaining position and may be subject to overreaching by the company or sales personnel. This situation would arise most often where shares are sold subject to a deferred sales load.

[17] In this regard, section 22(d) would continue to require that investment company shares be sold only at uniform prices described in the prospectus. Since the proposed rule would exempt investment companies, principal underwriters, and dealers only to the extent and under such conditions as determined by the Commission to be consistent with the protection of investors, in the Commission's view, existing antitrust immunity afforded by section 22(d) would not be affected by the proposed rule. See. *United States* v. *National Association of Securities Dealers*, 422 U.S. 694, 699 (1975).

exempt a much broader range of transactions, present rules 22d–1 through 22d–5 would become superfluous and, therefore, obsolete. Accordingly, the Commission proposes to rescind those rules if it adopts rule 22d–6 as proposed, effective on the date of adoption.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Proposed Rule

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

It is proposed to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulation by adding § 270.22d–6 to read as follows:

§ 270.22d–6 Exemption from section 22(d) to permit sales of redeemable securities at prices which reflect varying sales loads.

A registered investment company that is the issuer of redeemable securities, a principal underwriter of such securities or a dealer therein shall be exempt from the provisions of section 22(d) to the extent necessary to permit the sale of such securities at prices that reflect variations in or elimination of the sales load which are established pursuant to a schedule that offers such variations in or elimination of the sales load to particular classes of investors or transactions, or pursuant to negotiation at the time of purchase between the seller and the investor, or pursuant to a combination of such two methods, *Provided* that the following conditions are met:

(a) The prospectus of the company discloses:

(1) The amounts of the sales loads or the method by which such amounts can be readily ascertained; or that the sales load is subject to negotiation; and

(2) The circumstances under which such sales loads or negotiation shall be available; and

(b) If the company's prospectus provides that the sales load is subject to negotiation,

(1) The prospectus of the company discloses the maximum sales load that may be charged; and

(2) The seller discloses, prior to final agreement on a particular price, the sales load, if any, as a percentage of the total price paid and the percentage of the net amount invested to a purchaser of the company's shares; and

(3) The negotiation is permitted pursuant to a written agreement between the company and the principal underwriter of its shares whereby the underwriter undertakes either:

(i) To comply with the requirements of paragraph (b)(2) of this section; or

(ii) If the shares are distributed through independent dealers, to enter into a written agreement with any dealer in the company's shares whereby the dealer undertakes to comply with the requirements of paragraph (b)(2) of this section.

(4) The exemption provided by this section shall be available to the company and the principal underwriter of its shares notwithstanding a failure of a dealer in the company's shares to make the disclosure required by paragraph (b)(2) of this section, *Provided* that:

(i) The company and the principal underwriter have no reason to believe that a dealer is not complying with the requirements of paragraph (b)(2), or where there is reason to believe that a dealer is not so complying, reasonable steps are taken to end such non-compliance; and

(ii) The company and the principal underwriter have complied with all the provisions of this section.

Statutory Basis

Rule 22d–6 would be adopted by the Commission pursuant to the authority granted the Commission in sections 6(c) [15 U.S.C. 80a–6(c)] and 38(a) [15 U.S.C. 80a–37(a)] of the Act.

Summary of Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis in accordance with 5 U.S.C. 603 regarding proposed rule 22d–6. The Analysis notes that the proposed rule may have a significant economic impact on small investment companies and small broker-dealers by obviating the need for such entities to file applications for exemptive relief if they wish to employ variations in sales loads other than those permitted under current rules. The Analysis further states that if the proposed rule generates greater retail competition in the sale of mutual fund shares, such competition may have an adverse economic impact on small investment companies and broker-dealers, citing testimony by representatives of independent broker-dealers at Commission hearings in 1973, who argued against repeal of section 22(d). The Analysis submits that it is difficult to assess whether the proposed rule would cause greater competition in the retail sales of fund shares, and that it is difficult to assess whether any such increased competition would affect such entities, and if so, how they would be affected.

A copy of the Initial Regulatory Flexibility Analysis may be obtained by contacting Jeffrey S. Puretz, Office of Regulatory Policy, Securities and Exchange Commission, Room 5103, 450 Fifth Street, N.W., Washington, D.C. 20549.

By the Commission.

Dated: April 22, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–11802 Filed 5–2–83; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM79–76–190 (Texas—9 Addition IV)]

Texas; High-Cost Gas Produced From Tight Formations; Notice of Proposed Rulemaking

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendation of the Railroad Commission of Texas that an additional area of the Travis Peak Formation in Nacogdoches County, Texas, be designated as a tight formation under § 271.703(d).

DATE: Comments on the proposed rule are due on June 13, 1983.

Public Hearing: No public hearing is scheduled in this docket as yet. Written requests for a public hearing are due on May 13, 1983.

ADDRESS: Comments and requests for hearing must be filed with the Office of the Secretary, 825 North Capitol Street NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Leslie Lawner, (202) 357–8511, or Walter W. Lawson, (202) 357–8556.

SUPPLEMENTARY INFORMATION:

In the matter of High-Cost Gas produced from tight formations; notice of proposed rulemaking by Director, OPPR; Docket No. RM79–76–190 (Texas—9 Addition IV).

Issued April 28, 1983.

I. Background

On March 14, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Travis Peak Formation located in Nacogdoches County, Texas, be designated as a tight formation. The Commission previously adopted recommendations that portions of the Travis Peak Formation in the Sym-Jac, West (Hosston) Field (Order No. 154 issued June 10, 1981, in Docket No. RM79–76 (Texas—9)) and the Bear Grass Area of east Texas (Order No. 180 issued October 8, 1981, in Docket No. RM79–76 (Texas—9 Addition)) be designated as tight formations. There are currently under consideration recommendations that additional areas of the Travis Peak Formation be designated as tight formations (all of Texas Railroad Commission Districts 5 and 6 in Docket No. RM79–76 (Texas—9 Addition II) and the Melrose, South (Travis Peak) Field in Docket No. Rm79–76–171 (Texas—9 Addition III), Notices of Proposed Rulemaking issued December 15, 1981 and March 14, 1983, respectively). Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of the Travis Peak be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

II. Description of Recommendation

Texas' recommended addition to the Travis Peak Formation is located in the Martinsville (Travis Peak) Field immediately south of the town of Martinsville in eastern Nacogdoches County, Texas, Railroad Commission District 6. The recommended area includes all acreage within a 2.5 mile radius of the Getty Oil Company, Manuel Herrera No. 1 well located in the Jose Huerra Survey, A–289, and is on the south flank of the Sabine uplift. The above named well is the only well producing from the formation; however, two other wells in the recommended area penetrated the formation but were abandoned.

The top of the Travis Peak Formation is encountered at subsea depths ranging from approximately 8,100 feet on the north to 8,500 feet on the south, in the recommended area.

III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on December 9, 1982, convened by Texas on this matter demonstrates that:

(1) The average *in situ* gas permeability throughout the pay section of the proposed area is not expected to exceed 0.1 millidarcy;

(2) The stabilized production rate, against atmospheric pressure, of wells completed for production from the recommended formation, without stimulation, is not expected to exceed the maximum allowable production rate set out in § 271.703(c)(2)(i)(B); and

(3) No well drilled into the recommended formation is expected to produce more than five (5) barrels of oil per day.

Texas further asserts that existing state and federal regulations assure that development of this formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80–68 (45 FR 53456, August 12, 1980) notice is hereby given of the proposal submitted by Texas that the Travis Peak Formation as described and delineated in Texas' recommendation as filed with the Commission, be designated as a tight formation pursuant to § 271.703.

IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before June 13, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79–76–190 (Texas—9 Addition IV), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NW., Washington, D.C., during business hours.

Any person wishing to present testimony, views, data, or otherwise participate at a public hearing should notify the Commission in writing of a desire to make an oral presentation and therefore request a public hearing. Such request shall specify the amount of time requested at the hearing. Requests should be filed with the Secretary of the Commission no later than May 13, 1983.

Lists of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301–3432)

Accordingly, the Commission proposed to amend the regulations in Part 271, Subchapter H, Chapter I, Title 18 Code of Federal Regulations, as set forth below, in the event Texas' recommendation is adopted.

Kenneth A. Williams,

Director Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(36)(iv) to read as follows:

§ 271.703 Tight formations.

* * * * *

(d) *Designated tight formations.* * * *

(36) *Travis Peak Formation in Texas. RM79–76 (Texas—9)* * * *

(iv) *Martinsville (Travis Peak) Field.*

(A) *Delineation of formation.* The designated portion of the Travis Peak Formation is located immediately south of the town of Martinsville in eastern Nacogdoches County, Texas, Railroad Commission District 6, and includes all of the area within a 2.5 mile radius around the Getty Oil Company, Manuel Herrera well No. 1 located in the Jose Huerra Survey, A–289.

(B) *Depth.* The designated portion of the Travis Peak is found at sub-sea depths ranging from approximately 8,100 feet on the north to 8,500 feet on the south.

[Doc. 83–11777 Filed 5–2–83; 8:45 am]

BILLING CODE 6717–01–M

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 410

Proposed Amendments to Comprehensive Plan

AGENCY: Delaware River Basin Commission.

ACTION: Proposed rules and public hearings.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold three public hearings in accordance with this notice to receive comments on proposed amendments to the Commission's Comprehensive Plan relating to water quality standards; water supply policy; diversions, releases and reservoir management during drought; water conservation policy; and a program of augmented conservation releases.

These proposed amendments stem from recommendations in the Commission's Final Level B Study and from a recent agreement by the Governors of the Commonwealth of Pennsylvania, the States of New York, New Jersey and Delaware, and the Mayor of New York City entitled *Interstate Water Management Recommendations of the Parties to the U.S. Supreme Court Decree of 1954 to the Delaware River Basin Commission Pursuant to Commission Resolution 78–20.* The 1954 Decree had proved to be inadequate in times of drought, exacerbating long-standing conflicts among the down-basin states and New York City over water use.

The proposed amendments are designed to apportion available water during shortages, assure that stream flow levels repel ocean water salt during droughts, institute conservation measures and protect fisheries and recreational uses.

DATES: The public hearings are scheduled as follows: May 25, 1983 at 3:00 p.m.; June 2, 1983 from 1:00 to 5:00 p.m., resuming at 7:00 p.m.; and June 3, 1983 from 1:00 p.m. to 5:00 p.m., resuming at 7:00 p.m.

Written testimony submitted to the Secretary by June 15, 1983 will be included in the hearing record.

ADDRESS: The May 25, 1983 hearing will be held in the Pennsylvania West Room of the Philadelphia Centre Hotel, 1725 Kennedy Boulevard, Philadelphia, Pennsylvania.

The June 2, 1983 hearing will be held in the Goddard Conference Room of the Commission's offices at 25 State Police Drive, West Trenton, New Jersey.

The June 3, 1983 hearing will be held in the Banquet Hall of the Karsten Inn on Route 6 in Port Jervis, New York.

Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, Telephone 609–883–9500.

SUPPLEMENTARY INFORMATION: Explanatory material relating to these proposed amendments to the Comprehensive Plan may be examined at the Commission's offices. Persons wishing to testify at these hearings are requested to notify the Secretary in advance.

The subjects of the hearings will be as follows:

I. Amendments to the Comprehensive Plan Relating to Water Quality Standards

Article 3 of the Comission's *Basin Regulations—Water Quality* contains the Comprehensive Plan's water quality standards. Within this Article are certain salinity control standards for the Delaware estuary. The Commission is now considering amendments to its Comprehensive Plan and *Basin Regulations—Water Quality* to revise the salinity control standards. Specifically, it is proposed to:

1. Amend the Comprehensive Plan and subsection 3.30.3–C.12 of the *Basin Regulations—Water Quality* to read:

12. *Chlorides.* Maximum 30-day average concentration of 180 mg/l at River Mile 98.

2. Insert new Subsection 3.30.3–C.14 to read:

14. *Sodium.* Maximum 30-day average concentration of 100 mg/l at River Mile 98.

3. Delete Subsection 3.30.4–C.12.

II. Amendments to the Comprehensive Plan Relating to Water Supply Policy

Article 2 of the *Water Code of the Delaware River Basin* includes Commission policy relating to the conservation, development and utilization of Basin water projects. The planning and design of facilities and programs are dependent upon critical conditions during periods of drought. As droughts vary in severity, it is common practice to select, for planning and design of water supply facilities and programs, a drought of sufficient severity to assure the provision of dependable water supplies. Although past DRBC practice has been to assume the most severe drought of record, the Comprehensive Plan does not currently specify a drought criterion for planning and design. The Commission is now considering an amendment to the Comprehensive Plan to add a drought criterion, as recommended in the Final Level B Study and by the parties to the 1954 U.S. Supreme Court Decree. It is proposed to:

1. Amend the Comprehensive Plan and Article 2 of the *Water Code of the Delaware River Basin* by the addition of a new section 2.400 to read as follows:

2.400 *Design Streamflow Criteria*

2.400.1 *Water Supply.* The drought of record, which occurred in the period 1961–1967, shall be the basis for determination and planning of dependable water supply.

2.400.2 *Salinity Control.* The drought of record, which occurred in the period 1961–1967, shall be the basis for planning and development of facilities and programs for control of salinity in the Delaware estuary.

2.400.3 *Waste-Assimilative Capacity.* (See Section 4.30.7.7 of *Basin Regulations—Water Quality*—Administrative Manual—Part III).

III. Amendment to the Comprehensive Plan Relating to Diversions, Releases, and Reservoir Management During Drought

Diversions of water rom the Delaware River Basin to New York City and northeastern New Jersey, as well as downstream releases from the City's upper Basin reservoirs, are controlled by the 1954 amended Decree of the U.S. Supreme Court, except as may be modified during a Commission-declared state of emergency resulting from a drought or catastrophe pursuant to Section 3.3 of the Delaware River Basin Compact. Such a drought emergency has been declared on two occasions, and experience during these emergencies has shown the value of a drought operation formula setting forth diversion rates and streamflow objectives for guidance of reservoir operations. The Commission is now considering an amendment to the Comprehensive Plan to adopt such a drought operation formula. Specifically, it is proposed to:

1. Amend the Comprehensive Plan and Article 2 of the *Water Code of the Delaware River Basin* by the addition of new sections 2.5.3 and 2.5.4 to read as follows:

2.5.3 *Schedule of Phased Reductions in Diversions, Releases and Flow Objectives During Drought*

A. Criteria Defining Conditions

For purposes of water management pursuant to Section 3.3 and Article 10 of

the Compact, diversions of water from the Delaware River Basin by the City of New York and State of New Jersey, compensating reservoir releases from the New York City Delaware Basin Reservoirs, Reservoir releases from Beltzville Reservoir, Blue Marsh Reservoir, and Other reservoirs under the jurisdiction and control of the Commission, and streamflow objectives at the USGS gaging stations located at Montague, New Jersey, and Trenton, New Jersey, shall be governed by a schedule based upon a differentiation between "normal", "drought warning", and "drought" conditions defined by the combined storage in the Cannonsville, Pepacton and Neversink Reservoirs as set forth in Figure 1 entitled "Operation Curves for Cannonsville, Pepacton and Neversink Reservoirs". The division of the drought-warning zone into upper and lower halves shall be defined as a physically equal division, or 20 billions of gallons in each zone.

B. Schedule of Reductions

The schedules of phased reductions set forth in Tables 1 and 2 shall govern (1) the maximum allowable rates of diversion of waters from the Delaware River Basin by the City of New York and State of New Jersey; (2) the minimum compensating releases to be made by the City of New York from its reservoirs in the upper Delaware Basin; and the streamflow objectives at the USGS gaging stations located at Montague, New Jersey and Trenton, New Jersey.

During "drought" conditions as defined by the Figure entitled "Operation Curves for Cannonsville, Pepacton and Neversink Reservoirs", the streamflow objectives at the Montague and Trenton gaging stations shall be established as set forth in Table 2, in accordance with the seven-day average location of the 250 mg/l isochlor (the "salt front") in the Delaware Estuary.

C. Diversion Allowances and Release Requirements

(1) The City of New York may divert waters from the Delaware Basin at a maximum rate equivalent to the quantities set forth in Table 1.

(2) The State of New Jersey may divert waters from the Delaware River Basin, from the Delaware River or its tributaries in New Jersey, at a maximum rate equivalent to the quantities set forth in Table 1.

BILLING CODE 6360-01-M

OPERATION CURVES FOR
CANNONSVILLE, PEPACTON AND NEVERSINK RESERVOIRS

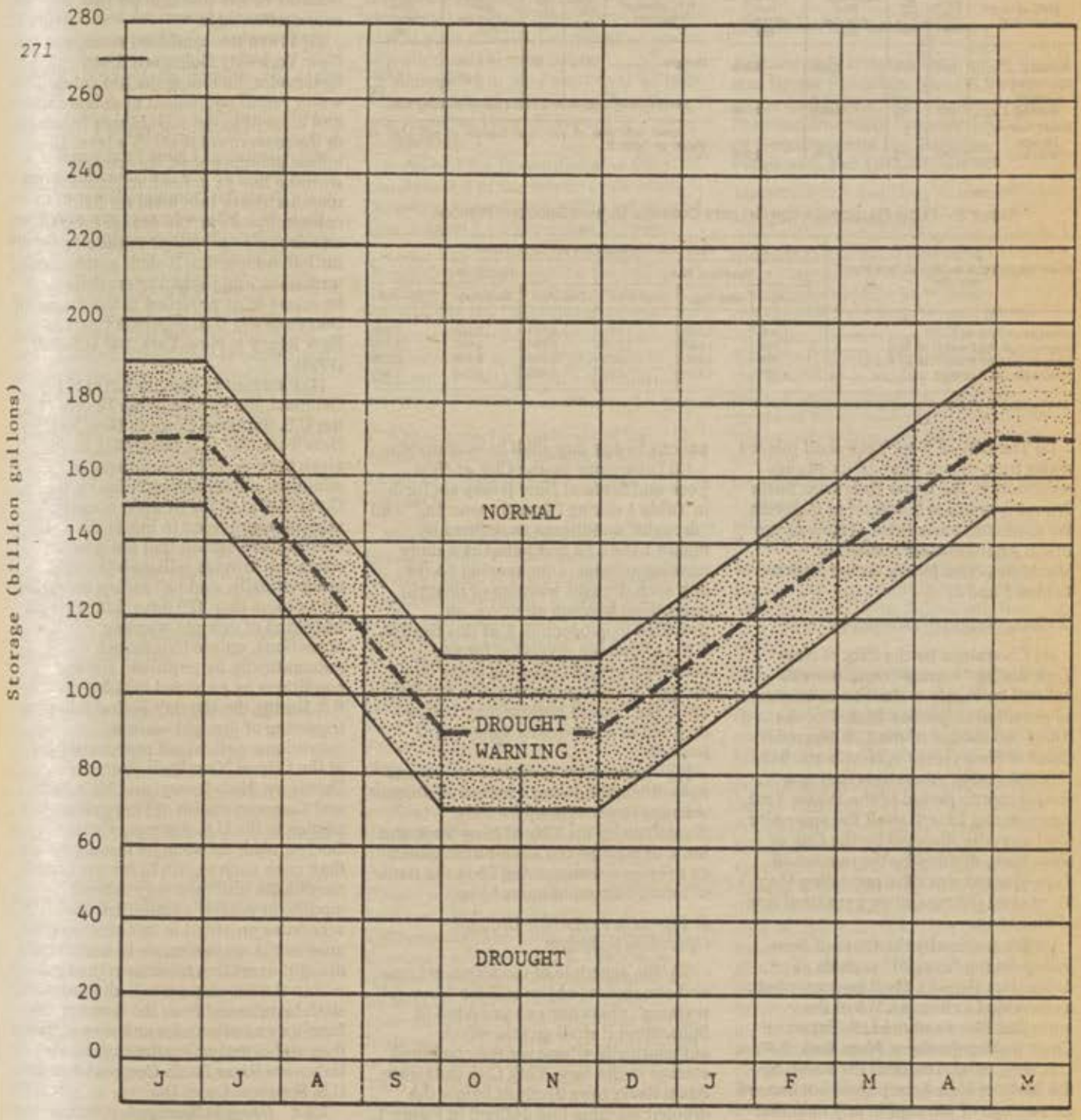


FIGURE 1

BILLING CODE 6360-01-C

TABLE 1.—INTERSTATE OPERATION FORMULA FOR REDUCTIONS IN DIVERSIONS, RELEASES, AND FLOW OBJECTIVES DURING PERIODS OF DROUGHT

NYC storage condition	NYC Div. mgd	NJ Div. mgd	Montage flow objective cfs	Trenton flow objective cfs
Normal	800	100	1,750	3,000
Upper Half—Drought Warning	680	85	1,655	2,700
Lower Half—Drought Warning	560	70	1,550	2,700
Drought	520	65	[1] 1,100–1,650	[1] 2,500–2,900
Severe Drought (to be negotiated based on conditions)				

[1] Varies with time of year and location of salt front as shown on Table 2.

TABLE 2.—FLOW OBJECTIVES FOR SALINITY CONTROL DURING DROUGHT PERIODS

Seven-day average location of "salt front," river-mile [1]	Flow objective, cubic feet per second at—					
	Montague, N.J.			Trenton, N.J.		
	Dec.–Apr.	May–Aug.	Sept.–Nov.	Dec.–Apr.	May–Aug.	Sept.–Nov.
Upstream of R.M. 92.5	1,600	1,650	1,650	2,700	2,900	2,900
Between R.M. 87.0 and R.M. 92.5	1,350	1,600	1,500	2,700	2,700	2,700
Between R.M. 82.9 and R.M. 87.0	1,350	1,600	1,500	2,500	2,500	2,500
Downstream of R.M. 82.9	1,100	1,100	1,100	2,500	2,500	2,500

[1] Measured in statute miles along the navigation channel from the mouth of Delaware Bay.

(3) The City of New York shall release water from one or more of its storage reservoirs in the upper Delaware Basin in such quantities designed to maintain the minimum basic rates of flow at the USGS gaging station located at Montague, New Jersey, as set forth in Tables 1 and 2.

D. Computation of Diversions

(1) Diversions by the City of New York during "normal" conditions as defined by Figure 1, shall be computed as provided in Section III.A.4. of the Amended Decree of the U.S. Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954). At no time during a twelve-month period of the Water Year, commencing June 1, shall the aggregate total quantity diverted by the City of New York, divided by the number of days elapsed since the preceding May 31, exceed the maximum permitted rate of diversion.

(2) Diversions by the State of New Jersey during "normal" periods as defined by Figure 1 shall be computed as provided in Section V.3 of the amended Decree of the U.S. Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954). The total diversion by the State of New Jersey shall not exceed an average of 100 mgd in any calendar year. During the months of July, August, September, and October of any year, diversions by the State of New Jersey shall not exceed 100 mgd as a monthly average, and not more than 120 million gallons in any day shall be withdrawn.

(3) Diversions by the City of New York and State of New Jersey set forth in Table 1 during "drought warning" and "drought" conditions as defined by Figure 1 shall be computed as a daily running average, commencing on the day such drought warning or drought operations become effective, as provided in subsection E of this Section. If the allowable diversion for any condition period following entry into drought warning operations is not fully used, the unused portion may not be credited or used during subsequent periods.

(4) Upon return to normal conditions operations, following a period of drought warning or drought operations, diversions by the City of New York and State of New Jersey shall be computed as averages commencing upon the date of return to normal operations.

E. Effective Period for Drought Operating Schedule

(1) The schedule of diversion, release and streamflow objectives for "drought warning" operations as provided in Subsection B shall go into effect automatically whenever the combined storage in the New York City Delaware Basin Reservoirs declines below the drought warning line defined in Figure 1, and remains below that line for five consecutive days.

(2) The schedule of diversions, releases and streamflow objectives for "drought" operations as provided in Subsection B shall go into effect immediately whenever the combined storage in the New York City Delaware Basin Reservoirs declines below the drought line defined in Figure 1, and remains below that line for five consecutive days.

(3) When the combined storage in the New York City Delaware Basin Reservoirs (including the projected water runoff equivalent of actual snow and ice within the watersheds tributary to the reservoirs) reaches a level 15 billion gallons above the drought warning line as defined in Figure 1, and remains above that level for five consecutive days, the drought warning and drought operations schedules set forth in Subsection B shall automatically terminate, and normal operations shall be resumed as provided in the Amended Decree of the U.S. Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954).

(4) Pursuant to Section 3.3(a) of the Compact, the Parties to the Decree of the U.S. Supreme Court in New Jersey v. New York, 347 U.S. 995 (1954), have given their unanimous consent to adoption and implementation by the Commission of the drought operation schedules provided in this section. The Parties have agreed that the drought operation formula will go into effect automatically, and be binding on parties for not less than 180 days following the triggering of drought warning operations, unless terminated automatically by improved storage conditions as provided in Subsection E.3. During the 180-day period following triggering of drought warning operations, authorized representatives of the City of New York, States of Delaware, New Jersey, and New York, and Commonwealth of Pennsylvania, as parties to the U.S. Supreme Court Decree, shall convene no less frequently than once each month to review current conditions, and they may extend, modify, or extend as modified the schedules provided in this section. If no unanimous agreement as to a continuing drought operation formula is reached within the 180-day period, all Parties shall be released from the terms of the formula and schedules and may pursue their rights and obligations under the Delaware River Basin Compact and the U.S. Supreme Court Decree.

2.5.4 *Drought Emergency Actions*

A. *Criteria Defining Conditions*

For purposes of water management pursuant to Section 3.3 and Article 10 of the Compact, the determination of drought warning and drought conditions

shall be based upon the combined storage in the Cannonsville, Pepacton and Neversink Reservoirs, in accordance with Figure 1, entitled "Operation Curves for Cannonsville, Pepacton and Neversink Reservoirs". The division of the drought-warning zone into upper and lower halves shall be defined as a physically equal division, or 20 billions of gallons in each zone.

B. Drought Emergency Declaration

It is the policy of the Commission that a drought emergency will be declared for purposes of imposing mandatory in-basin conservation measures and other appropriate actions whenever combined storage in the New York City-Delaware Basin Reservoirs falls into the drought zone for five consecutive days as defined in Figure 1. Termination of a drought emergency will be considered by the Commission whenever combined storage in the New York City-Delaware Basin Reservoirs reaches a level of 40 billion gallons above the drought warning line as defined in Figure 1 and remains above that line for 30 consecutive days. The drought emergency will be terminated by the Commission whenever the combined storage in the New York City-Delaware Basin Reservoirs reaches 40 billion gallons above the drought warning line defined in Figure 1 and remains above that line for 60 consecutive days, unless the Commission unanimously agrees to extend the emergency.

C. Effect of Policy

This policy is not intended to extend, impair, or conflict with the Commission's authority under the Compact to declare or terminate a drought emergency or water-shortage emergency in the Basin, or subregion thereof, in other instances as conditions may require.

IV. Amendment to the Comprehensive Plan Relating to Water Conservation Policy

Article 2 of the *Water Code of the Delaware River Basin* includes Commission policy relating to the conservation of water. Current policy focuses on total water use throughout the Basin, emphasizing the importance of overall reduction and maximum efficiency of use. While conservation measures can provide significant benefits at any time, conservation during drought periods is especially critical. The distinction between depletive water uses (i.e., uses which permanently remove water from the Basin by evaporation, exportation and other routes) and water which is used, treated and returned to a watercourse is essential because of flow-salinity relationships in the Delaware Estuary and the need to maintain minimum fresh water flows during drought. The Commission is now considering an amendment to the Comprehensive Plan to add policy relating to depletive use reduction during drought, as recommended in the Final Level B Study Report and by the parties to the 1954 U.S. Supreme Court Decree. It is proposed to:

1. Amend the Comprehensive Plan and Article 2 of the *Water Code of the Delaware River Basin* by the addition of new Section 2.1.4 to read as follows:

2.1.4 *Depletive Use Reduction During Drought.* It shall be the policy of the Commission that conservation measures in the Basin designed for implementation during drought periods shall be based upon the objective of reducing overall depletive use of fresh water by 15 percent.

V. Application for Approval of the Following Project Pursuant to Section 3.8 of the Delaware River Basin Compact

New York State Department of Environmental Conservation (D–77–20 CP REVISED). A program to continue on a permanent basis, as conditioned, augmented conservation releases from the New York City Delaware River Basin Reservoirs. The purpose of the program, in effect since 1977 on an experimental basis, is to augment low streamflows below the Cannonsville, Pepacton and Neversink Reservoirs to protect and enhance the recreational use of waters affected by such releases. The proposed release levels are identical to the schedules contained in Rules and Regulations of the New York State Department of Environmental Conservation (Amended Part 671, Reservoir Releases Regulations: Cannonsville, Pepacton, and Neversink Reservoir adopted May 2, 1980). The release levels have been consented to by the City of New York in reliance upon mutual commitments made by the State and City of New York (Stipulation of Discontinuance in *The City of New York vs. The State of New York Department of Environmental Conservation*, Index No. 5840–80).

Susan M. Weisman,

Secretary.

April 22, 1983.

[FR Doc. 83–11348 Filed 5–2–83; 8:45 am]

BILLING CODE 6360–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 640

[Docket No. 82N–0400]

Additional Standards for Human Blood and Blood Products; Normal Serum Albumin (Human) and Plasma Protein Fraction (Human); Proposed Removal of Requirements for Samples, Protocols, and Official Release

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to remove the specific lot release requirements for both Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) to provide the agency the flexibility to modify or waive the lot release requirements for these two products when such requirements are unnecessary to assure that the products are safe and effective.

DATES: Comments by July 5, 1983. FDA is proposing that any final rule be effective on its date of publication in the **Federal Register.**

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

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

SUPPLEMENTARY INFORMATION: Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) are injectable biological products regulated under section 351 of the Public Health Service Act (42 U.S.C. 262) and the regulations thereunder (21 CFR Parts 600 through 640). Both products are derived from fractionation of human blood and are similar in nature. Either product may be used in the treatment of a burn patient to overcome loss of fluids and sodium, in the treatment of a shock/trauma patient, or may be used to replace plasma proteins in a patient with a lower than normal level of protein in the blood.

In the **Federal Register** of May 31, 1977 (42 FR 27575), FDA published regulations for Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) to safeguard the public health and to reflect changes in manufacturing techniques and testing procedures.

FDA is reviewing its existing regulations to reduce regulatory burdens on manufacturers. As a part of this review, the agency has determined that the specific lot release requirements in §§ 640.85 and 640.95 (21 CFR 640.85 and 640.95) for Normal Serum Albumin (Human) and Plasma Protein Fraction (Human), respectively, are unnecessary to assure a safe, pure, potent, and efficacious product. Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) are stable biological preparations, free of the risk of hepatitis, whose manufacture and quality control testing are well understood.

The specific lot release regulations for Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) supplement the general lot release regulation in § 610.2(a) (21 CFR 610.2(a)), which is applicable to any biological product. The specific lot release regulations for both products require the submission to FDA of a protocol (i.e., summary of the history of the manufacture of the lot), a specific quantity (sample(s)) of the product for required testing, and prohibit the manufacturer's release of the lot for distribution without notification of FDA's official release.

The general biologics regulation in § 610.2(a) authorizes the agency to require official lot release for any biological product at any time it believes lot release is necessary. Because the agency still has authority under § 610.2(a) to impose lot release requirements, the proposed removal of specific lot release requirements for Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) will not affect FDA's authority to require offical lot release for these products when necessary. The agency now believes that it can obtain the same assurances of continued safety, purity, and potency for these products in a less costly and more efficient manner by using instead the authority for lot release in § 610.2(a). This proposal, if adopted, provides the agency the flexibility to modify or waive a manufacturer's lot release requirements when the safety and effectiveness of these products can be assured without such requirements.

The proposal would eliminate rather than impose a requirement and would, therefore, relieve a restriction within the meaning of 5 U.S.C. 553(d)(1) and 21 CFR 10.40(c)(4)(i). Accordingly, FDA intends that, if promulgated, the final rule will be effective upon the date of its publication in the **Federal Register.**

Accordingly, the agency is proposing to remove §§ 640.85 and 640.95 concerning samples, protocols, and official release for Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) and would rely instead on the provisions of § 610.2(a), as needed.

The agency has determined pursuant to 21 CFR 25.24(d)(10) (proposed December 11, 1979; 44 FR 71742) that this proposed action is of a type that does not individually or cumulatively have a singificant impact on the human evironment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with Executive Order 12291 and the Regulatory Flexibility Act, the agency has considered the impact of the proposal. FDA believes that the proposed removals will relieve a burden on manufacturers of Normal Serum Albumin (Human) and Plasma Protein Fraction (Human) by allowing more flexibility concerning lot-release requirements. The proposed removals are expected to have a favorable economic impact on the 15 current manufacturers of Normal Serum Albumin (Human) and the 6 current manufacturers of Plasma Protein Fraction (Human). The agency concludes that the proposed removals do not warrant designation as a major role under any of the criteria specified under section 1(b) of Excutive Order 12291. The agency certifies that a regulatory flexibility analysis is not required because the proposed removals would not have a significant impact on a substantial number of small entities.

List of Subjects in 21 CFR Part 640

Biologics, Blood.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

§§ 640.85 and 640.95 [Removed]

Therefore, under the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), it is proposed that Part 640 be amended by removing § 640.85 *Samples; protocols; official release* and § 640.95 *Samples; protocols; official release.*

Interested persons may, on or before July 5, 1963, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 20, 1983.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-11570 Filed 5-2-83; 8:45 am]

BILLING CODE 4160-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-4-FRL 2308-7; TN-009]

Approval and Promulgation of Implementation Plans; Tennessee; Prevention of Significant Deterioration, New Source Review in Nonattainment Areas, and Miscellaneous Regulations for Nashville/Davidson County

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The State of Tennessee has submitted regulations adopted by the Nashville-Davidson County Metropolitan Health Department (Metro) to meet EPA's requirements for the prevention of significant air quality deterioration (PSD) and New Source Review in nonattainment areas (NSR). In addition, the State has submitted reulations adopted by Metro concerning good engineering practice (GEP) stack height, control of volatile organic compounds (VOC), and an equivlent opacity standard for a source. All these regulations or actions apply to Davidson County, Tennessee or sources located there. EPA proposes to conditionally approve the above revisions with the understanding that changes will be made in the GEP stack height and the NRS regulations.

The effect of this proposed action will be to allow Metro to be responsible for the PSD, NSR, and GEP stack height requirements in Davidson County. In addition, Metro's submitted regulations will control emissions from certain VOC sources, and allow an equivalent opacity standard for a source (Ford Motor Company plant) in Davidson County.

DATE: EPA must receive your comments on or before June 2, 1983.

ADDRESS: Written comments should be addressed to Raymond S. Gregory of EPA Region IV's Air Management Branch (see EPA Region IV address below). Copies of the materials submitted by Tennessee may be

examined during normal business hours at the following locations:

Division of Air Pollution Control Tennessee Department of Public Health, 150 9th Avenue, North, Nashville, Tennessee 37203

Air Pollution Control Division, Metropolitan Health Department, Nashville-Davidson County, 311 23rd Avenue, North, Nashville, Tennessee 37203

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

FOR FURTHER INFORMATION CONTACT: Raymond S. Gregory, EPA Region, IV, Air Management Branch, at the address listed above or phone 404/881-3286 or FTS 257-3286.

SUPPLEMENTARY INFORMATION: On December 5, 1974, EPA published regulations for PSD under the 1970 amendments to the Clean Air Act. These regulations established a program for protecting areas with air quality cleaner than the national ambient air quality standards (NAAQS). Then, on August 7, 1977, the Clean Air Act Amendments of 1977 became law and changed the 1970 Act, mandating changes in EPA's PSD regulations and, among other things, requiring adoption of NSR regulations. In addition to mandating certain changes to EPA's PSD regulations, the new Clean Air Act, in sections 160-169, contains comprehensive new PDS requirements. These new requirements are to be incorporated by States into their implementation plans. On June 19, 1978 (43 FR 26380); May 13, 1980 (45 FR 31307); and August 7, 1980 (45 FR 52676), EPA promulgated guidance to assist States in preparing state implementation plan (SIP) revisions meeting the requirements for PSD and for NSR in, or near, nonattainment areas. Metro has complied with these requirements by adopting and submitting on October 9, 1981, a revised regulation No. 3. Revisions to this regulation were submitted on June 3 and November 22, 1982. Additional information clarifying portions of the regulation was submitted on September 1, and October 22, 1982.

Metro's PSD revisions do not provide that physical changes or changes in the method of operation of stationary sources that are not subject to PSD review will be subject to PSD review, if the changes themselves would be subject to PSD review if they were new sources, as is required by 40 CFR 51.24(b)(2)(i). EPA believes that this discrepancy is insignificant because Metro's revisions employ a dual source definition for PSD purposes rather than the plantwide definition required by 40 CFR 51.24(b)(6). As a result, any new unit added to an existing source will be subject to PSD review if the unit exceeds the minimum size limitations for new sources. EPA does not anticipate that many individual units will increase their emissions by more than 100% and escape PSD review due to this discrepancy. EPA therefore proposes to approve Metro's revisions despite this discrepancy.

Metro's PSD revisions also fail to require the reviewing authority to give the applicant written notification of its final permit determination and to make such notification available for public inspection. EPA believes that this discrepancy is also insignificant because, given the small size of Nashville-Davidson County, all interested parties should be involved in the permit process so closely that they will be aware of the final determination even without a specific notification provision in the regulations. EPA therefore proposes to approve Metro's provisions despite this discrepancy.

Metro's PSD revisions do not provide any protection for Class I areas. The revisions are currently approvable because there are no Class I areas within 100 km of Nashville-Davidson County. EPA will require Metro to revise its regulations to include Class I area protection at such time as a Class I area is designated within 100 km of Nashville-Davidson County.

The regulation applicable to NSR in or near nonattainment areas applies the "dual source" definition.

During EPA's review of the NSR revisions, an issue surfaced concerning the approvability of allowing offset credits for source shutdowns for other than replacement units.

EPA proposes to conditionally approve Metro's NSR revisions to allow for submittal of conforming amendments within twelve months from the date of conditional approval. If the twelve-month period expires and EPA is in the process of revising the new source review requirements, but has not finalized the changes, the Administrator could extend the deadline specified for corrective submittal.

Also, on June 3, 1982, revisions adopted by Metro concerning control of volatile organic compounds (VOC), GEP stack height and an equivalent opacity standard for two emission points at a Ford Motor Company plant were submitted. The VOC revisions include exempting methylene chloride from the definition of VOCs, inclusion of major sources of VOC as being major sources of ozone, and regulations applicable to surface coating of miscellaneous metal parts and products (aerospace components). The equivalent opacity standards were for emissions point 22 (25%) and 201 (45%) at the Ford Motor Company plant. These opacity standards are based on compliance with the mass emission standard.

The regulation adopted by Metro for GEP stack heights is approvable except for the lack of definition of "nearby" and "excessive concentration," and a provision required (40 CFR 51.18(e)) for notification of the public of the availability of certain fluid model demonstration studies and for providing an opportunity for public hearing for the same. EPA proposes to approve the GEP regulation on the condition that Metro adopt the required definitions and the provision for required public notice and opportunity for public hearing.

Although EPA is proposing conditional approval of Metro's revisions, it should be noted that certain portions of the revisions would require inclusion of vessel emissions in the review of certain stationary sources. In connection with EPA's recent amendments to SIP new source review requirements, 47 FR 27554 (June 25, 1982), several members of the maritime industry raised the claim that States are implicity preempted from requiring such reviews by the Ports and Waterways Safety Act, as amended, 46 U.S.C. 391(a) et seq. EPA is still considering these claims. Accordingly, a final decision on whether to approve the vessel emission provisions of the revised regulations will be deferred until this issue is resolved. It should also be noted, however, that any EPA decision on whether to approve these revisions, in so far as they apply to vessel emissions will not affect the applicability of the rules for purposes of State or local law.

Action: EPA has reviewed the submitted revisions and found them to be equivalent to present EPA requirements except for two areas. The first area is the lack of definitions of "nearby" and "excessive concentrations" and of a provision required in the GEP stack height regulations for notification of the public of the availability of certain fluid model demonstration studies and for providing an opportunity for public hearing for the same. EPA proposes to approve the GEP regulations on condition that Metro adopt the required revisions. The second area concerns the NSR regulations which must limit offset credits for source shutdowns to replacement units. EPA is today conditionally approving these two items based on the State's submitting the necessary conforming amendments by [twelve months from date of publication] and, during the

interim, implementing these regulations in a manner consistent with EPA requirements. Also, EPA is today proposing to approve the revisions by Metro for PSD, control of VOCs, and the equivalent opacity standard and is soliciting public comments on the proposed action.

As previously stated, written comments must be received on or before June 2, 1983. A thirty-day comment period is being used because the SIP submissions and the issues involved are not so complex as to warrant a longer comment period. At the close of the comment period, EPA will review all comments before publishing a notice of final rulemaking.

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

Under Executive Order 12291, today's action is not major. It has been submitted to the Office of Management and Budget (OMB) for review. Any comments from OMB to EPA and any EPA response are available for public inspection at the locations listed in the **ADDRESSES** section of this notice.

List of Subjects in 40 CFR Part 52

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

(Sec. 110, 161, and 172 of the Clean Air Act (42 U.S.C. 7410 and 7471))

Dated: February 8, 1983.

John A. Little,

Acting Regional Administrator.

[FR Doc. 83-11718 Filed 5-2-83; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 52

[EPA Action MO 999; A-7-FRL-2294-8]

Approval and Promulgation of Implementation Plans State of Missouri; 1982 Ozone and Carbon Monoxide Attainment Plan

Correction

In FR Doc. 83-9250 beginning on page 15493 in the issue of Monday, April 11, 1983, make the following corrections:

1. On page 15497, column one, paragraph designated as "4.", line four, "1978" should read "1987."

2. On page 15497, column one, paragraph designated as "4.", line seven, "plant" should read "plan."

3. On page 15497 column one, paragraph designated as "4", line nine, "contest" should read "context."

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

43 CFR Part 426

Acreage Limitation: Bureau of Reclamation Rules and Regulations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Proposed rules.

SUMMARY: The Bureau of Reclamation, Department of the Interior, proposes to issue rules and regulations establishing policies and procedures to meet the responsibilities of the Secretary of the Interior in adminstering title II of the Reclamation Reform Act of 1982 and other provisions of Federal Reclamation law. The rules and regulations will provide uniform criteria and procedures for all water user entities receiving irrigation water from Federal projects governed by Reclamation law. Public hearings on the proposed rules are being scheduled and will be announced in the **Federal Register** once dates and places have been established.

DATE: Comment period closes July 5, 1983.

ADDRESS: Comments on the proposed rules should be submited to: Vernon S. Cooper, Chief, Acreage Limitation Branch, Bureau of Reclamation, E&R Center, D-410, P.O. Box 25007, Denver, CO 80225; (303) 234-7195.

FOR FURTHER INFORMATION CONTACT: Vernon S. Cooper, Chief, Acreage Limitation Branch, Bureau of Reclamation, E&R Center, D-410, P.O. Box 25007 Denver, CO 80225; (303) 234-7195.

SUPPLEMENTARY INFORMATION: The Reclamation Reform Act of 1982, title II, Pub. L. 97-293 (96 Stat. 1261) was signed into law by President Reagan on October 12, 1982. The act is the culmination of an effort to modernize Reclamation law that began in the 95th Congress. The act, while retaining the basic principle of limiting the amount of land in the ownership which may receive water deliveries from Reclamation projects, introduces a new concept of full-cost pricing for some water deliveries. The act also makes a number of other changes to Reclamation law.

The Bureau of Reclamation initiated the preparation of rules and regulations shortly after the Reclamation Reform Act of 1982 was signed into law. During the period October 28 through December 14, 1982, comments were solicited on the suggested content of and format for the proposed rules. Toward this end a series of six public hearings were conducted throughout the West and in Washington, D.C., at which testimony form 59 individuals and organizations was presented. Numerous written comments were also received. All of these comments were carefully reviewed and considered in preparing the proposed rules.

The Interior Department requests special attention to the provisions of Section 426.9 Class 1 Equivalency. Interior is considering changing the method described herein for determining equivalency, using instead procedures reflecting physical factors alone. Consequently, Interior invites not only comments on this section but also proposals for a valid method of establishing equivalency based solely on physical factors influencing productivity.

Classification. The Department of the Interior considers these rules to be major rules under Executive Order 12291.

Regulatory Impact Analysis. Because of its potential economic impact, the Department has prepared a Preliminary Regulatory Impact Analysis of this regulation. The Preliminary Regulatory Impact Analysis examines the various alternatives the Department considered in preparing this rule, considers the cost and program implications of the alternatives, and explains the Department's reasons for making the choices resulting in the proposed rule. A copy of the Preliminary Regulatory Impact Analysis has been placed in the docket for this rulemaking and is available for public inspection in the offices of the Bureau of Reclamation in Boise, Sacramento, Boulder City, Salt Lake City, Amarillo, Billings, Denver, and Washington, D.C.

National Environmental Policy Act Compliance. A draft environmental assessment and draft FONSI (finding of no significant impact) which address the environmental impacts of these proposed rules and two other alternatives for administering the Reclamation Reform Act of 1982 have been prepared and are available for public review. Copies will be provided upon request. Comments on the assessment and FONSI may be incorporated with comments on the proposed rules. Decisions on the final disposition of these documents will be made following the public review process.

Small Entity Flexibility Analysis. The Department of the Interior certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). Approximately 34,000 farm operations would come under the proposed rules. Of these, over 33,000 are farms of 960 acres or less and could be considered small entities. According to the Regulatory Impact Analysis prepared on the proposed regulations, the rules will not have a substantial effect on these farms. On the other hand, the rules will have a substantial effect on an estimated 900 farms presently operating more than 960 acres. However, those farms constitute less than 3 percent of all farm operations in Reclamation projects westwide.

Paperwork Reduction Act. The information collection requirements contained in § 426.10 will be submitted to the Office of Management and Budget for approval, as required by 44 U.S.C. 3501 *et seq.* The collection of this information will not be required until it has been approved by the Office of Management and Budget.

Authorship. The principal authors of these proposed rules are Phillip T. Doe and Vernon S. Cooper, Acreage Limitation Branch, Engineering and Research Center, Bureau of Reclamation.

List of Subjects in 43 CFR Part 426

Acreage limitation, Irrigation, Water resources.

Dated: April 29, 1983.

James G. Watt,

Secretary.

Part 426 is proposed to be added to read as follows:

PART 426—RULES AND REGULATIONS FOR PROJECTS GOVERNED BY FEDERAL RECLAMATION LAW

Sec.

426.1 Objectives.
426.2 Applicability.
426.3 Authority.
426.4 Definitions.
426.5 Contracts.
426.6 Ownership entitlement.
426.7 Leasing and full-cost pricing.
426.8 Operation and maintenance charges.
426.9 Class 1 equivalency.
426.10 Certification and reporting requirements.
426.11 Excess land.
426.12 Excess land appraisals.
426.13 Exemptions.
426.14 Residency.
426.15 Religious and charitable organizations.
426.16 Involuntary acquisition of land.
426.17 Land held by governmental agencies.
426.18 Commingling.
426.19 Water conservation.
426.20 Public participation.
426.21 Small reclamation projects.
426.22 Decisions and appeals.

Authority: Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 552; the Reclamation Reform Act of 1982, Pub. L. 97-293, Title II, 95 Stat. 1263, and the Reclamation Act of 1902, as amended and supplemented, 32 Stat. 388, (43 U.S.C. 371 et seq.).

§ 426.1 Objectives.

Reclamation law establishing terms and conditions pursuant to which project water may be supplied is designed:

(a) To provide viable farm opportunities on land receiving Reclamation project water.

(b) To distribute widely the benefits from the Reclamation program.

(c) To preclude the accrual of speculative gain in the disposition of excess land.

(d) To require reimbursement to the Federal Government of the full cost of providing irrigation water to landholdings which exceed established limits.

§ 426.2 Applicability.

(a) These proposed regulations are published for public comment. Subsequent to a review of the public comments, the rules will be modified as appropriate and shall become effective 30 days following publication in the **Federal Register** as final rulemaking.

(b) These regulations apply to all land subject to the acreage limitation and/or full-cost provisions of Reclamation law capable of receiving an irrigation water supply from a Reclamation project. (Included are excess lands, whether under recordable contract or not, and nonexcess land.)

(c) Sections 426.5 through 426.12 of these regulations apply variously to all districts subject to the acreage limitation and full-cost provisions of Reclamation law. The way in which they apply depends upon whether the district has: (1) A contract which was in force on October 12, 1982, (2) a contract which was amended after October 12, 1982, or (3) a contract which was entered into after October 12, 1982. Application of these sections will also vary depending upon whether an individual or entity subject to Reclamation law has made an irrevocable election to come under title II of the Reclamation Reform Act of 1982.

(d) The remainder of these rules, sections 426.13 through 426.22, may not apply to all districts, but if they do apply, they apply equally.

(e) In many cases, hypothetical examples illustrating the application of a specific rule have been provided. This approach is in direct response to the public's expressed need. The examples provided should not be construed, however, as being exclusive interpretations of a rule. They are provided only as an interpretative tool.

§ 426.3 Authority.

These rules and regulations are written under the authority vested in the Secretary by the Congress in the Administrative Procedure Act, 60 Stat. 237, 5 U.S.C. 552, the Reclamation Reform Act of 1982 (Pub. L. 97-293, 965 Stat. 1261), and the Reclamation Act of 1902, as amended and supplemented, 32 Stat. 388, 43 U.S.C. 371, et seq.

§ 426.4 Definitions.

As used in these rules:

(a) The term "arable land" means land which, when farmed in adequate size units for the prevailing climatic and economic setting and provided with essential onfarm improvements, will generate sufficient income under irrigation to pay farm production expenses; provide a return to the farm operation labor, management, and capital; and at least pay the operation, maintenance, and replacement costs of related project irrigation and drainage facilities.

(b) The term "contract" means any repayment or water service contract between the United States and a district providing for the payment of construction charges to the United States including normal operation, maintenance, and replacement costs pursuant to Federal Reclamation law.

(c) The term "dependent" means any natural person within the meaning of the term dependent in the Internal Revenue Code of 1954 (25 U.S.C. 152) as well as the regulations issued thereunder.

(d) The term "district" means any individual or any legal entity established under State law which has entered into a contract or is eligible to contract with the Secretary for irrigation water.

(e) The term "excess land" means land other than exempt land, capable of being served with water from any Federal project under Reclamation law, owned or controlled by any landholder in excess of the maximum allowable acreage under Reclamation law. In determining excess land, all land in all districts capable of receiving irrigation water and held by any landholder shall be considered.

(f) The term "exempt land" means irrigable land in a district to which the acreage limitation and pricing provisions of Reclamation law do not apply.

(g) The term "full cost" means an annual rate as determined by the Secretary that shall amortize the

expenditures for construction properly allocable to irrigation facilities in service, including all operation and maintenance deficits funded, less payments, over such periods as may be required under Federal Reclamation law or applicable contract provisions, with interest on both accruing from the date of enactment of this act on costs outstanding at that date, or from the date incurred in the case of costs arising subsequent to October 12, 1982. Operation, maintenance, and replacement charges required under Federal Reclamation law shall be collected in addition to the full-cost payment.

(h) The term "individual" means any natural person, including his or her spouse, and including other dependents as defined and interpreted in the Internal Revenue Code of 1954 (26 U.S.C. 152).

(i) The term "irrevocable election" means the legal instrument which an individual landowner or lessee executes to make his or her land subject to title II of Pub. L. 97–293. This instrument may be executed by the landowner or lessee if the district in which his or her land is situated does not amend its contract to conform with title II.

(j) The term "irrigable land" means arable land under a specific project plan for which a water supply is or can be provided, and which is provided with or planned to be provided with irrigation, drainage, flood protection, and other facilities necessary for sustained irrigation. For the purpose of determining the areas to which acreage limitations are applicable, it is that acreage possessing permanent irrigated crop production potential, after excluding areas occupied by and currently used for homesites, farmstead buildings, and corollary permanent structures such as feedlots, equipment storage yards, and similar facilities, together with dedicated roads open for unrestricted use by the public. Areas used for field roads, farm ditches and drains, tailwater ponds, temporary equipment storage, and other improvements subject to change at will by the landowner, are included in the irrigable acreage.

(k) The term "irrigation water" means water made available for agricutural purposes from the operation of Reclamation project facilities pursuant to a contract with the Secretary.

(l) The term "landholding" means total acreage of one or more tracts of land situated in one or more districts owned and/or operated under a lease which is served with irrigation water pursuant to a contract with the Secretary. In determining the extent of a landholding, the Secretary shall add to any landholding held directly by a qualified or limited recipient that portion of any landholding held indirectly by such qualified or limited recipient which benefits that qualified or limited recipient in proportion to that landholding.

(m) The term "legal entity" means any business or property ownership arrangement established under State or Federal law, including, but not limited to, corporations, partnerships, associations, joint tenancies, and tenancies-in-common.

(n) The term "limited recipient" means any legal entity established under State or Federal law benefiting more than 25 natural persons.

(o) The term "prior law" means the Act of June 17, 1902, and acts supplementary thereto and amendatory thereof (43 U.S.C. 371) which were in effect prior to the enactment of the Reclamation Reform Act of 1982, Pub. L. 97–293 (96 Stat. 1263) as that law is amended or supplemented by sections 209 through 230 of the Reclamation Reform Act of 1982 (Pub. L. 97–293).

(p) The term "project" means any Reclamation or irrigation project, including incidental features thereof, authorized by Federal Reclamation law, constructed by the United States pursuant to such law, or in connection with which there is a repayment or water service contract executed by the United States pursuant to such law, or any project constructed by the Secretary through the Bureau of Reclamation for the reclamation of lands.

(q) The term "qualified recipient" means an individual who is a citizen of the United States or a resident alien thereof, or any legal entity established under State or Federal law which benefits 25 natural persons or less.

(r) The term "Reclamation fund" means a special fund established by the Congress under the Reclamation Act of June 17, 1902, as amended, for the receipts from the sale of public lands and timber, proceeds from the Mineral Leasing Act, and certain other revenues. The Congress makes appropriations from this fund for the investigation, construction, operation, and administration of Bureau of Reclamation projects. Collections from water users for reimbursable costs of these projects are returned to the fund unless Congress has specified otherwise for specific projects.

(s) The term "recordable contracts" means a written contract between the Secretary and a landowner capable of being recorded under State law, providing for the sale or disposition of lands held in excess of the ownership limitations of Federal Reclamation law.

(t) The term "resident alien" means any natural person within the meaning of the term as defined in the Act of June 27, 1952 (66 Stat. 163).

(u) The term "Secretary" means the Secretary of the Interior.

(v) The term "title II" as used herein means sections 203–208 of Pub. L. 97–293. Sections 209–230 of Pub. L. 97–293 apply to all land-holders and irrigation districts receiving water from a Federal irrigation project.

(w) The terms "wastewide" or "Reclamation wide" mean the 17 Western States in which Reclamation projects are located, namely: Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

§ 426.5 Contracts.

(a) *In general.* Title II of Pub. L. 97–293 (reference to title II means "all applicable provisions of title II of Pub. L. 97–293") will be applied to repayment and water service contracts (hereafter contracts) by the following rules:

(1) *Contracts in force on October 12, 1982.* Contracts in force on October 12, 1982, shall continue in effect until amended to conform to title II or unless amended by title II (see §§ 426.13 and 426.14). In these rules, individuals or entities subject to the provisions of contracts in existence on October 12, 1982, are termed "parties subject to the 160-acre ownership limitation established by prior law."

(2) *New contracts.* Contracts executed after October 12, 1982, shall be subject to all provisions of title II. Districts which have an existing contract(s) with the United States but enter into a new contract after October 12, 1982, shall be subject to all provisions of title II. The execution dates of the new contract determines the date upon which II applies to the contract. In these rules, individuals and entities subject to the provisions of new contracts are termed either "qualified recipents" or "limited recipients."

(3) *Amended contracts.* (i) Contracts amended for conformance to Pub. L. 97–293. Contracts which are amended at the request of the district to conform with title II need be amended only to the extent required for conformance with that title. A district shall be subject to title II from the date the district's request is submitted to the Secretary. The district's request to the Secretary must be accompanied by a duly adopted resolution dated and signed by the

governing board of the district obligating the district to take, in a timely manner, the action required by applicable State law to amend its contract. In these rules, individuals and entities subject to the provisions of these contracts are termed either "qualified recipients" or "limited recipients."

(ii) Contracts amended to provide additional or supplemental benefits. All contracts which are amended after October 12, 1982, to provide a district supplemental or additional benefits, shall be amended at the same time to conform with title II. Moreover, all existing provisions of those contracts become subject to review and amendment. The date that the contract amendment is executed by the Secretary will establish the date for determining the application of title II. All contract actions will be construed as providing supplemental or additional benefits except those actions which do not require the United States to expend significant funds, to commit to significant additional water supplies, or to substantially modify contract payments due the United States. More specifically, the following shall not be considered to provide additional or supplemental benefits: (*a*) The construction of those facilities for conveyance of irrigation water that were contracted for by the district on or before October 12, 1982, (*b*) minor drainage and construction work contracted for under a preexisting repayment or water service contract, (*c*) operation and maintenance payments, (*d*) the deferral of payments, provided the deferral is for a period of 6 months or less, (*e*) a temporary supply of irrigation water as set forth in § 426.13(a)(3), and (*f*) additional contract actions which the Secretary determines do not provide additional or supplemental benefits. In these rules, individuals and entities subject to the provisions of these contracts are termed either "qualified recipients" or "limited recipients."

(b) *Standard article for contract amendments.* New contracts executed after October 12, 1982, or contracts which are amended to conform to title II shall contain the following provision:

> The parties agree that the delivery of irrigation water pursuant to this contract is subject to Reclamation law, as amended and supplemented, including but not limited to the Reclamation Reform Act of 1982 (Pub. L. 97–293) and the regulations promulgated by the Secretary of the Interior under the authority of that act.

(c) *Individual elections to conform to title II.* (1) *Individual election.* Individual landowners or lessees may elect to be subject to title II even if the district does not amend its contract. The individual election is effected by executing an irrevocable election in a form provided by the Secretary. The landholder exercising the election shall be considered a qualified or limited recipient, as appropriate, and all land receiving or capable of receiving irrigation water in the recipient's landholding shall be subject to title II. The election shall be binding on the elector but not on the land listed in the irrevocable election.

(2) *Application to subsequent owner or lessees.* The application of title II to land capable of receiving irrigation water which was owned or leased by a qualified or limited recipient exercising an irrevocable election, but which is subsequently transferred or leased to another, shall be determined by the applicability of Reclamation law to the new landholder.

(3) *Disposition of irrevocable election forms.* The recipient's irrevocable election form shall be retained by the district in which the landholding is situated and a copy forwarded to the Bureau of Reclamation within 30 days. If the recipient is receiving irrigation water in more than one district, the elector must list on the election form the location of all land in the elector's landholding westside as well as the names of all districts in which land receiving irrigation water is situated. Copies of the election form shall be filed with each such district.

(4) *District reliance on election information.* The district shall be entitled to rely on the information contained in the election form without being required to make an independent investigation of the information. However, if the district has reason to believe the information is inaccurate or false, it will be the district's responsibility to report that fact to the Bureau of Reclamation.

(d) *Time limits.* (1) *District amendments.* There are no time limits on when a district may request its contract be amended to conform to title II.

(2) *Individual elections.* There are also no time limits on when an individual landowner or lessee may make an irrevocable election.

(3) *Other provisions.* The provisions of prior law apply to districts and individuals until conformance with title II is effected. Those provisions include westwide application of the 160-acre limitation as provided in § 426.6(d) and payment of full cost after April 12, 1987, on leased land above 160 acres as provided in § 426.7(c)(3).

§ 426.6 Ownership entitlement.

(a) *In general.* Ownership entitlement is determined by whether the landowner is a "qualified recipient," "limited recipient," or "a party subject to the 160-acre ownership limitation established by prior law." All land receiving or capable of receiving irrigation water on a regular basis shall be considered in the entitlement computations except as stipulated in paragraphs (e) and (f).

(b) *Qualified recipient entitlement.* Except as provided in § 426.9, a qualified recipient is entitled to irrigate 960 acres or less of owned land with irrigation water. This entitlement applies on a westwide basis. All individual ownership, multiownership, and trust arrangements are qualified recipients provided they meet the following conditions:

(1) *Individual landowners.* All individual landowners are qualified recipients if they are citizens of the United States or resident aliens thereof, and have met the contract requirements for a qualified recipient as set forth in § 426.5. As such, they are entitled to receive irrigation water for use on 960 acres or less of owned land on a westwide basis and owned land under recordable contract for the term of that contract term.

(i) The application of this rule may be illustrated by the following:

Example (1). Farmer X is a citizen of the United States and receives irrigation water on 160 acres owned in District A. District A amends its contract to conform to title II. Farmer X automatically becomes a qualified recipient by virtue of the district decision and is entitled to receive irrigation water on 960 acres or less of irrigable land in his ownership.

Example (2). Farmer Y is a citizen of Germany, but has taken up permanent residency in the United States. Farmer Y owns 160 acres in District A and desires to purchase an additional 800 acres. District A has not amended its contract to conform with title II. Farmer Y, however, decides to execute an irrevocable election. Farmer Y becomes eligible to receive irrigation water on 960 acres of land owned after the election. This eligibility as a qualified recipient remains in force so long as Farmer Y, as a resident alien, maintains permanent residency in the United States. If Farmer Y were to become a United States citizen, his eligibility as a qualified recipient would, of course, remain in force.

Example (3). Farmer Z is a citizen and resident of Switzerland. Farmer Z owns 160 acres receiving irrigation water in District A. District A amends its contract to conform to title II. Because Farmer Z, as an individual nonresident alien, cannot meet the requirements of either a qualified recipient or limited recipient and because he was receiving irrigation water prior to the district's contract amendment, Farmer Z may,

as set forth in § 426.11(k), place the land under recordable contract and continue to receive irrigation water at the contract rate for 5 years. (If the land were not placed under recordable contract or had Farmer Z not been receiving irrigation water prior to the district's contract amendment, the 160 acres owned would be ineligible for service until such time as it was sold to an eligible buyer or Farmer Z took up permanent residency in the United States.)

(2) *Husband and wife.* A husband and wife, and any other dependents, are considered as one individual landowner. They are considered to be a qualified recipient and are entitled to irrigate 960 acres of owned land on a westwide basis with irrigation water, *provided,* either husband or wife is a citizen of the United States or a resident alien thereof and the contract requirements as set forth in § 426.5 have been met.

(i) The application of this rule may be illustrated by the following:

Example (1). Farmer X and her husband are a qualified recipient by virtue of an irrevocable election. They own in joint tenancy 960 acres of land eligible for irrigation water. Their ownership entitlement has been satisfied and they are not eligible to receive irrigation water on any other land owned.

Example (2). Farmer Y and Farmer Z are a married couple, and each owns 480 acres of irrigated land under separate title in District A. District A has amended its contract to conform to title II. Even though the land is held in separate title, Farmer Y and Farmer Z have reached the limits of eligibility to receive irrigation water as a qualified recipient so long as they remain husband and wife.

(3) *Multiownership arrangement.* All multiownership legal entities are considered to be qualified recipients, provided that: the ownership is a legal entity established under State or Federal law, the entity does not benefit more than 25 natural persons, no member of the entity through this or in combination with any other ownership arrangement owns more than 960 eligible acres receiving irrigation water westwide, and the entity has met the contract requirements for a qualified recipient as set forth in § 426.5. As qualified recipients, they are eligible to receive irrigation water on 960 acres of land owned. The requirements of U.S. citizenship or U.S. residency for aliens does not apply to multiownership legal entities, provided the entity is established under State or Federal law and is authorized to own real property in the United States.

(i) The application of this rule may be illustrated by the following:

Example (1). XYZ Farms is a general partnership comprised of four individuals who own equal and separable interest in the 960-acre partnership. All other requirements as set forth in (3) have also been met. Therefore XYZ Farms satisfies the requirements for a qualified recipient and may receive irrigation water for all 960 acres in ownership. Moreover, the members of the partnership may also be qualified recipents outside their equal interest in XYZ Farms. If so, each may receive irrigation water on 720 acres or less in some ownership or ownerships other than XYZ Farms.

Example (2). Six brothers who are citizens and residents of Canada form a family corporation with each holding equal shares in the corporation. They are able to satisfy all other conditions set forth in (3); therefore, the corporation is a qualified recipient and as such is entitled to receive irrigation water on 960 acres or less of owned land. Then, too, the brothers can be qualified recipients outside their interest in the corporation, and each brother may receive irrigation on 800 acres or less owned in legal entities other than the family corporation, *provided,* none of the brothers has an individual ownership. The brothers cannot meet the requirements of a qualified recipient under individual ownership (1) since none are citizens of the United States or resident aliens thereof.

(4) *Trusts.* An individual or corporate trustee holding land in a fiduciary capacity is not subject to the ownership or pricing limitations imposed by title II nor any other provisions of Federal Reclamation law. However, the interest of each beneficiary (qualified or limited recipients) in trust land in combination with other land he/she may own shall not exceed the ownership entitlement of title II. Moreover, the quantity of land in a trust receiving irrigation water cannot exceed the ownership entitlement of title II.

(i) The application of this rule may be illustrated by the following:

Example (1). Bank X is the trustee for four trusts, each of which has more than one beneficiary. The trusts contain 960, 640, 800, and 400 acres, respectively. The land in the trust is in districts which have amended their contracts to conform to title II. Since the ownership and pricing limitations of title II do not apply to Bank X as trustee for the trusts, all 2,800 acres in the four trusts are eligible to receive irrigation water at the contract rate. However, if a beneficiary owned land or had other trust land which, when combined with his beneficial interest in the subject trust, caused him to exceed the 960-acre ownership limitation, that beneficiary would be required to designate the nonexcess land for which irrigation water could be supplied.

Example (2). Farmer X, a qualified recipient, establishes a testamentary trust by placing 640 acres of his land receiving irrigation water in a trust for his minor child upon his death. Farmer X designates his brother as trustee for the trust. The land is located in a district which has amended its contract to come under the provisions of title II. The brother, who is designated as trustee for the trust, owns 800 acres in the same district which receives an irrigation water supply. Farmer X dies, and the testamentary trust he has established is activated. The brother, as trustee, is entitled to receive irrigation water for the land in trust as well as the land he owns.

Note.—The land placed in the testamentary trust by Farmer X would be counted against his entitlement during his lifetime as long as the land remained in his ownership.

(C) *Limited recipient entitlement.* Except as provided in § 426.9, a limited recipient is entitled to irrigate 640 acres of owned land with irrigation water. This entitlement applies on a westwide basis. All legal entities established under State or Federal law benefiting more than 25 persons are limited recipients provided they have met the contract requirements for a limited recipient as set forth in § 426.5.

(1) The application of this rule may be illustrated by the following:

Example (1). ABC Fertilizer Company is a corporation registered in Nebraska and owns 640 acres in District A. District A has amended its contract to conform to title II. ABC Fertilizer Company benefits more than 25 persons and therefore automatically becomes a limited recipient, with all 640 acres of owned land in the corporation eligible to receive irrigation water.

Example (2). XYZ Land Company, a corporation benefiting more than 25 persons and registered in the State of California, owns 320 acres in District A. In the absence of district action, the company makes an irrevocable election to conform to title II. Thereby XYZ Land Company becomes a limited recipient and is entitled to receive irrigation water on 640 acres or less owned.

Example (3). CDE Development Company is a corporation with more than 25 shareholders which chose to incorporate in the Greater Antilles. CDE Development Company buys 320 acres in a district which has amended its contract to conform to title II. However, until such time as CDE Development Company establishes itself as legal entity under State or Federal law none of its land is eligible for irrigation water. Had CDE Development Company been receiving irrigation water on 160 acres prior to the districts's amendment, it could have continued to receive irrigation water for 5 years under the conditions set forth in 426.11.

Example (4). Corporation X owns 640 acres in District A as does Corporation Y. Both are subsidiaries of Corporation Z. District A has amended its contract to conform to title II. The landholdings of Corporation X and Y, since they are subsidiaries of Corporation Z, are counted against the entitlement of the parent corporation, Corporation Z. Corporation Z is a limited recipient; therefore, only 640 acres of the 1,280 acres are eligible to receive irrigation water.

Example (5). Farmer X, a qualified recipient, owns 960 acres of land receiving an irrigation water supply. Farmer X is also a shareholder in the XYZ Corporation, a limited recipient, which receives irrigation water for 640 acres it owns. Farmer X's interest in the land in the XYZ Corporation is

not counted against his entitlement because the corporation is a limited recipient, and, in the case of limited recipients, the interest of the individual shareholders is not considered for purposes of determining their entitlement. Thus, Farmer X is entitled to receive irrigation water for the 960 acres he owns, and the XYZ Corporation is entitled to receive irrigation water for the 640 acres it owns.

(d) *Parties subject to the 160-acre ownership limitation established by prior law.* (1) *Individuals.* Individuals are entitled to receive irrigation water on no more than 160 acres owned. The 160-acre entitlement applies on a westwide basis.

(2) *Husband and wife.* A husband and wife are entitled to receive irrigation water on 320 acres or less of land jointly owned westwide.

(3) *Tenants-in-common.* Each individual in a tenancy-in-common is entitled to receive irrigation water on an interest of 160 acres or less provided that no participant in this or any other ownership arangement receives Federal irrigation water on more than 160 acres owned westwide.

(4) *Partnerships.* Each partner in a partnership is entitled to receive irrigation water on 160 acres or less owned westwide provided: (i) each partner has a separable interest in the partnership and the right to alienate that interest, and (ii) no partner through this or any other ownership arrangement receives Reclamation project water on more than 160 acres westwide.

(5) *Corporations.* All corporations are considered to be individual entities and as such are entitled to receive irrigation water on 160 acres owned westwide.

(6) *Trusts.* Lands held by an individual or corporate trustee in a fiduciary capacity are not subject to the ownership limitations imposed by prior law. However, the interest of each beneficiary in the trust land in combination with other land he/she may own shall not exceed the ownership entitlement of prior law.

(e) *Exemptions from ownership limitation.* Land owned in districts in which the irrigation obligation has been paid out or in which the district has been exempted, will not be counted against ownership entitlement, § 426.13(a) (1) and (2). Neither will isolated tracts, § 426.13(a)(4), be counted against ownership entitlement.

(f) *How ownership entitlement is to be computed.* With the exception of land under recordable contract, § 426.11(e), all designated nonexcess land, § 426.11(b), and all acreage receiving irrigation water on other than a temporary or short-term basis, as defined in § 426.13(a)(3), from a Reclamation project in a district which is subject to acreage limitation shall be counted against the appropriate ownership entitlement, i.e., qualified recipient, limited recipient, etc.

(g) *Multidistrict ownerships.* Landowners may own land in more than one district (multidistrict ownerships). Only one of the districts in which a landowner owns land need amend its contract in order to automatically make the multidistrict landowner subject to the requirements for and the benefits of a qualified or limited recipient. The land owned by that recipient in all districts becomes subject to the acreage entitlement of a qualified or limited recipient. Similarly, if a landower with multidistrict ownership makes an irrevocable election in one district, the land owned in all districts which is capable of receiving irrigation water becomes subject to the recipient's acreage entitlement.

(1) The application of this rule may be illustrated by the following.

Example (1). Landowner X is a U.S. citizen and owns 160 acres in each of Districts A, B, C, and D. All of this land is receiving irrigation water. District A amends its contract to conform to title II. Thereby, landowner X automatically becomes a qualified recipient by virtue of the fact he or she is a U.S. citizen and is entitled to receive irrigation water on 960 acres owned westwide. Since, in this case, Landowner X's total present ownership is 640 acres, he or she would be entitled to receive irrigation water on another 320 acres owned.

Example (2). Landowner Y is a citizen of the United States and owns 160 acres in each of Districts A, B, C, D, E, and F. All of his land is receiving irrigation water. In the absence of district action, Landowner Y makes an irrevocable election in District A. By this action Landowner Y automatically becomes a qualified recipient and all owned land receiving water in Districts B, C, D, E, and F must be included in entitlement considerations. Since in this case the landowner already owns 960 acres receiving irrigation water, he owns the maximum entitlement.

(h) *Loss of eligibility.* (1) An owner who is receiving the benefit of irrigation water, and acquires additional land receiving irrigation water, shall lose eligibility on any newly purchased land that exceeds the owner's entitlement. Eligibility shall be reestablished if the land is redesignated as nonexcess, § 426.11(b), or is sold at a price approved by the Secretary to an eligible owner who does not hold excess land.

(i) The principles of this rule are illustrated by the following:

Example. Farmer X meets all of the criteria for a qualified recipient as set forth in (b)(1). Farmer X irrigates 960 acres of owned land in District A as he is entitled to do. Subsequent to his determination of eligibility, Farmer X buys a 320-acre farm in District B which is also receiving irrigation water. All land purchased by Farmer X in District B thereby becomes ineligible for service until such time as Farmer X sells the farm in District B at a price approved by the Secretary or designates the 320 acres as nonexcess. If Farmers X redesignates the 320 acres in District B as nonexcess eligible to receive irrigation water, Farmer X must declare an equal amount of land in District A as excess. This land then becomes ineligible to receive irrigation water until such time it is sold at a price approved by the Secretary.

§ 426.7 Leasing and full-cost pricing.

(a) *What constitutes a lease.* A lease is a contract by which one party (the landlord or lessor) gives to another (the tenant or lessee) the use and possession of lands (including, in some cases, associated buildings, machinery, etc.) for a specified time and for agreed upon payments (cash or other consideration). The lessee assumes an economic interest in the operation and management of the leased land.

(1) *Exceptions.* Management arrangements or consulting agreements in which the manager or consultant performs a service for the landowner for a fee but assumes no risk in the operation of the land shall not be considered a lease. A contract arrangement for nonreclamation dependent activities which allow for limited use of the land shall also not be considered a lease. Examples of such activities are incidental grazing or use of crop residue from irrigated crops grown on the land. Land which is subleased (the lessee transfers his/her interest to a sublessee) will be attributed to the landholding of the sublessee.

(b) *The form and provisions of a lease.* (1) *Present leases.* All leases must be in writing and made available by the leaseholders to the Secretary for inspection at the Secretary's request. The term of the lease may not exceed 10 years, including any exercisable option, except in the case of a lease of land for the production of perennial crops having an average life of more than 10 years. In that case, the lease may be for a period of time equal to the average life of the prennial crop, as determined by the Secretary, provided the lease does not exceed 25 years.

(2) *Written leases in existence prior to October 12, 1982.* Land under written leases which were in existence prior to October 12, 1982, and which have a remaining term of longer than 10 years will become ineligible to receive irrigation water after October 12, 1992, unless the leased land is used for the production of perennial crops having an average life of more than 10 years. In that case, the lease may be for a period

of time equal to the average life of the perennial crop, as determined by the Secretary, provided the lease does not exceed 25 years.

(c) *Full-cost pricing thresholds on leased land.* Although there is no restriction on the amount of land an eligible lessee may lease, there is a limit on the amount of land for which a lessee may receive irrigation water at the rate applicable under previous contracts if he or she resides in a district which has amended its contract or made an irrevocable election. The lessee must pay the full cost for irrigation water delivered to all leased land that exceeds the lessee's entitlement.

(1) *Full-cost threshold for qualified recipients.* Qualified recipients are entitled to receive irrigation water for landholdings (land owned and/or leased) of 960 acres at the rate specified in the district contract except as provided in § 426.9. The qualified recipient must pay the full cost for irrigation water delivered to all land leased in excess of 960 acres owned and/or leased.

(i) The application of this rule may be illustrated as follows:

Example (1). Farmer X, a qualified recipient, receives irrigation water at the contract rate on 960 acres in his ownership in District A. Farmer X leases another 160 acres in each of Districts A and B. In order to receive irrigation water on the leased land, he must pay the full cost for that water.

Example (2). Farmer Y, a qualified recipient, owns and receives irrigation water on 960 acres in District A. Farmer Y decides to lease all 960 acres to another qualified recipient, Farmer Z. Farmer Z, however, already farms 960 acres receiving irrigation water. Therefore, the full cost would have to be paid for any irrigation water on land leased from Farmer Y by Farmer Z.

(2) *Limited recipients.* Limited recipients who were receiving irrigation water prior to October 1, 1981, are entitled to receive irrigation water for landholdings of 320 acres owned and/or leased at the rate specified in the district contract except as provided in § 426.9. The full cost must be paid for irrigation water delivered to all land in the landholding exceeding 320 acres. Limited recipients who were not receiving irrigation water prior to October 1, 1981, must pay the full cost of irrigation water delivered to *all* land in the landholding.

(i) The application of this rule may be illustrated by the following:

Example (1). ABC Farms is a limited recipient which owns and was receiving irrigation water on 640 acres in District A prior to October 1, 1981. Of the total, 480 acres were and continue to be under recordable contract. ABC Farms may continue to receive irrigation water at the contract water rate on the 640 acres until the end of the recordable contract period. It may also amend the recordable contract to allow it to own and receive irrigation water on 640 acres owned. If it amends the recordable contract, it will be allowed to receive irrigation water at the contract rate on 320 acres in perpetuity, but it must pay full cost on the additional 320 acres owned and on any other eligible land it might lease.

Example (2). XYZ Farms, a limited recipient, owns 640 acres of land eligible to receive irrigation water. The purchase of the land took place after October 1, 1981, and XYZ Farms was not receiving irrigation water on any other land prior to October 1, 1981. Therefore, in order for XYZ Farms to receive irrigation water for any eligible land, it must pay the full cost for that water.

Example (3). FGH Fertilizer Company buys 160 acres of land receiving irrigation water in District A. The purchase of the land is made subsequent to October 1, 1981. However, the company was leasing 160 acres in District B prior to October 1, 1981, and continues to lease and receive irrigation water for that leased land. Therefore, since the company was receiving irrigation water in District B prior to October 1, 1981, and has continued to receive it, the 160 acres recently purchased are eligible to receive irrigation water at the contract water rate. If FGH Fertilizer Company buys or leases additional land, the company would have to pay the full cost for any irrigation water delivered to that additional land since the full-cost threshold for a limited recipient receiving irrigation water prior to October 1, 1981, would be exceeded.

(3) *Lessees subject to the 160-acre ownership limitation established under prior law.* There is no full-cost pricing requirement until April 12, 1987, for individuals or entities which have not become a qualified or limited recipient through a contract amendment or irrevocable election. Therefore, there will be no full-cost pricing on irrigation water made available to land leased by these individuals or entities until April 12, 1987. After April 12, 1987, all leased land in a nonamending district receiving irrigation water in a landholding exceeding 160 acres will be subject to full-cost pricing.

(d) *Exemptions from full-cost pricing.* Leased or owned land which has been exempted will not be subject to full-cost payment except as provided in § 426.13(a)(4).

(e) *Restrictions on designating full-cost land.* An eligible landholder who leases (but does not own) land receiving irrigation water may designate that portion of the leased land which is to receive water at the contract rate. A qualified recipient may only designate leased land for full-cost service. However, a limited recipient which both owns and leases land receiving irrigation water must designate all leased land above the full-cost threshold for full-cost service before the recipient is entitled to designate owned land above the full-cost threshold for full-cost service.

(f) *Multidistrict landholding.* If a landholder has multidistrict landholdings, only one of those districts need amend its contract for the landholder's owned and/or leased land receiving irrigation water in all districts to become subject to full-cost pricing.

(g) *Calculating full cost.* (1) *What constitutes full cost.* As set forth in § 426.4, the term "full cost" means an annual rate as determined by the Secretary that shall amortize the expenditures for construction properly allocable to irrigation facilities in service, including all operation and maintenance deficits funded, less payments, over such periods as may be required under Federal Reclamation law or applicable contract provisions, with interest on both accruing from October 12, 1982, on costs outstanding at the date, or from the date incurred in the case of costs arising subsequent to October 12, 1982. Operation, maintenance, and replacement charges required under Federal Reclamation law shall be collected in addition to the full-cost payment.

(i) Amortization period. The amortization period for calculating the full-cost rate shall be the remaining balance of the repayment period for the district as specified in its repayment contract for water supply. However, in those cases, such as in water service contracts, where payment by a district through its existing contract term will not fully discharge its obligation for repayment of allocated construction costs and where, in accordance with the project authorization the district must renew its water service contract, the district may extend the amortization period for the calculation of full costs by renegotiating its current water service contract at the time it amends its contract to conform to title II. The amortization period may extend up to the expiration date of the new contract, and the term of the new contract cannot exceed the payback period authorized by Congress.

(ii) Allocable construction expenditures. For determining full cost, the construction costs properly allocable to irrigation are those Federal project costs which have been assigned to irrigation within the overall allocation of total project construction costs. Total project construction costs include all direct expenditures necessary to install or implement a project, such as planning, design, land, rights-of-way, water-rights acquisitions, construction

expenditures, interest during construction, and when appropriate, transfer costs associated with services provided from other projects.

(iii) Facilities in service (irrigation). Facilities in service are those facilities which are in operation and providing irrigation services.

(iv) Operation and maintenance deficits funded. O&M (operation and maintenance) deficits funded are the annual O&M costs including project-use pumping power allocated to irrigation which have been federally funded and which have not been paid by the irrigation contracting entity.

(v) Payments. In calculating the payments which have been received, all receipts and credits applied to repay or reduce allocated irrigation construction costs in accordance with Reclamation law, policy, and applicable contract provisions shall be considered. These may include: (*a*) Direct repayment contract revenues, (*b*) net water service contract income, (*c*) contributions, (*d*) ad valorem taxes, and (*e*) other miscellaneous revenues and credits excluding power revenues.

(vi) Unpaid balance. The unpaid balance is the irrigation allocated construction costs plus cumulative federally funded operation and maintenance deficits, less payments.

(2) *Calculating the full-cost rate.* The Secretary will calculate a district's full-cost rate using accepted accounting procedures. The definition of "full cost" contained in title II does not recover interest charges retroactively before October 12, 1982, but interest charges on the unpaid full cost do accrue from the date of the act. The full-cost rate shall be determined and fixed in equal annual payments extending over the amortization period at the time a contracting entity enters into a contract or amends its existing contract or at the time an individual or entity elects to come under the provisions of title II that require full-cost pricing. The equal annual payments for full cost will be fixed at a higher rate as the period of time between the date of the new or amended contract or irrevocable election and October 12, 1982, lengthens because interest accrues from the date of the act and the amortization period is shortened. If there are additional construction expenditures or the cost allocated to irrigation changes, then a new full-cost rate will be determined.

(i) The application of this rule may be illustrated by the following:

Example (1). District A contains 90,000 irrigable acres. The construction costs allocated to irrigation for the project and assignable to the land in District A amount to $240 million. As of October 12, 1982, the district's accumulated repayments are $174 million, the unpaid obligation on District A's repayment contract is $66 million, and 11 years remain on its contract term. The established annual contract rate is $66.67 per acre. This amount repays the outstanding balance of the contractual obligation in 11 years. As of October 12, 1982, the unpaid balance for full cost is $66 million (allocated cost, less payments) or $733.33 per acre, and the applicable interest rate is determined to be 7.5 percent. Therefore, the equal annual payments for full cost would be $100.24. This payment is calculated using standard amortization tables and is equivalent to the annual payment necessary to retire a debt of $733.33 at a 7½ percent rate of interest over 11 years. Should District A amend its contract on October 12, 1983, the full-cost rate would be set at $105.13 per acre per year for the next 10 years. This increased payment is necessary because $55.00 per acre in interest accumulates on the original $733.33 per acre unpaid balance during the intervening 12 months and because the new unpaid balance (the sum of $733.33 and $55.00, less payments of $66.67 is $721.66) is amoritized over 10 years, instead of 11 years.

Example (2). District B has a water service contract which establishes a rate of $6.50 an acre-foot for 90,000 acre-feet of water delivered to the district, a rate which is fixed over the remaining 10 years of the contract term. Currently, $1.00 of the $6.50 rate is used to pay annual O&M charges. The remainder is credited to the repayment of irrigation construction costs, although inflation over the next 10 years is expected to leave a $5.00 per acre-foot payment to irrigation, averaged over the remaining 10 years. The construction costs to be repaid from irrigiation revenues and assignable to the lands in District B are $24 million, and the district has paid $15.5 million of those costs to date. The expected water deliveries to District B of 90,000 per acre-foot per year are expected to yield about $4,500,000 in revenues for repayment of construction charges over the remaining 10 years of the original contract (90,000 x $5.00 x 10). This amount would not discharge the district's ultimate obligation to repay construction costs ($24 million), since total revenues collected by the date are expected to be $20 million.

As of October 12, 1982, the accumulated payments credited to repayment on construction are $15.5 million. The unpaid balance for full cost is $9.5 million ($24 million less $15.5 million), and the applicable interest rate is determined to be 7.5 percent. Amortizing the unpaid balance over the remaining contract term of 10 years results in an annual full-cost rate of $1,384.016, or $15.38 per acre-foot. Normal O&M charges would be collected annually in addition to this rate.

Upon expiration of the current contract, the district expects to enter into a subsequent water service contract in order to expand its water deliveries. If District B desires to amortize its unpaid balance for full cost over a longer period than 10 years, it can choose to renegotiate its existing contract before the current contract expires to bring it into conformance with current Bureau policy. When the district renegotiates its contract, the unpaid balance for full cost could be reamortized, at the district's option, for any period up to the term of the new water service contract, which cannot exceed the repayment period authorized by Congress. For example, suppose the new water service contract runs for 18 years and is executed immediately. If the district chooses to amortize full cost over the longest permissible repayment period (18 years), then the full-cost rate would be $10.88 per acre-foot. If the district chooses to amortize over 15 years, the full-cost rate would be $11.96 per acre-foot, assuming the unpaid costs remain the same.

Example (3). District C contains 90,000 irrigable acres, and the construction costs allocated to irrigation for the project and assignable to the land in District C amount to $240 million. As of October 12, 1982, the accumulated repayments of the district are $174 million. The district's repayment obligation is $200 million. (The $40 million difference between construction costs allocated to irrigation and the repayment obligation is scheduled to be paid from other project revenues.) The unpaid obligation on District C's repayment contract is $26 million, and 11 years remain on its contract term. The annual rate established by the contract is $26.26 per acre. This amount repays the outstanding balance of the contractual obligation in 11 years. As of October 12, 1982, the unpaid balance for full cost is $66 million (allocated cost, less payments) or $733.33 per acre, and the applicable interest rate is determined to be 7.5 percent. Therefore, the equal annual payment for full cost would be $100.24 per acre.

(h) *Interest rate calculations for full cost.* In determining full cost, the interest rates to be used will be determined by the Secretary of the Treasury as follows:

(1) *Qualified recipients and limited recipients receiving water before October 1, 1981.* (i) The interest rates for expenditures made *on or before October 12, 1982,* shall be the greater of 7½ percent per annum or the weighted average yield of all interest-bearing marketable issues sold by the Treasury during the fiscal year in which the expenditures were made by the United States.

(ii) The interest rate for expenditures made *after October 12, 1982,* shall be the arithmetic average of the rate as of the beginning of the fiscal year in which expenditures are made based on: (*a*) The computed average interest payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for 15 years from the date of issuance and (*b*) the weighted average yield on all interest-bearing marketable issues sold by the Treasury during the fiscal year preceding the fiscal year in which the expenditures are made.

(2) *Limited recipients not receiving irrigation water on or before October 1,*

1981. The interest rate shall be the arithmetic average of the rate as of the beginning of the fiscal year in which expenditures are made based on: (i) The computed average interest payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for 15 years from the date of issuance and (ii) the weighted average yield on all interest-bearing marketable issues sold by the Treasury during the fiscal year preceding the fiscal year in which the expenditures are made: *provided,* that the interest rate for expenditures made before October 12, 1982, shall be determined as of October 12, 1982.

(3) *Landholdings in excess of 160 acres in districts which do not amend their contracts by April 12, 1987.* The interest rate shall be the arithmetic average of the rate as of the beginning of the fiscal year in which expenditures are made based on: (i) The computed average interest payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for redemption for 15 years from the date of issuance and (ii) the weighted average yield on all interest-bearing marketable issues sold by the Treasury during the fiscal year preceding the fiscal year in which the expenditures are made: *provided,* that the interest rate for expenditures made before October 12, 1982, shall be determined as of October 12, 1982.

(i) *Proportional charges for full-cost water.* For those water delivery charges levied by a district per acre-foot of irrigation water delivered, as compared to per acre of land, the contract will establish provisions requiring payment of a proportional charge for water delivered to a landholding in that district which reflects the relative amounts of contract and full-cost water rate land in the farm operation. The proportional rate will be equal to the weighted average of the rate applicable under previous contracts and the full-cost rate in proportion, respectively, to the acres of land eligible for irrigation water at the contract rate and the acres of land designated to receive irrigation water at full cost. Use of the proportional rate removes the necessity of separately metering irrigation water deliveries to that portion of a landholding that is designated to receive water at full cost. Water bills will set forth the previous contract rate, the full-cost water rate, and the amount of acreage to which each apples, as well as the proportional rate.

(1) The application of this rule may be illustrated by the following:

Example. District A has a water service contract with a rate of $4.00 per acre-foot for irrigation water delivered. The full-cost rate plus annual O&M costs is determined to be $16.00. If Operator Y has a landholding of 1,000 acres, he or she will pay a proportional rate for water of $4.48 per acre-foot of water delivered anywhere in his landholding (96 percent of $4.00 plus 4 percent of $16.00). This rate is equal to the weighted average of the previous contract rate and the full-cost rate, where the weights are the respective acreages of land eligible to receive water at the contract rate and at full cost. If Operator Y uses 3 acre-feet of water per acre, total water charges will be $13,440 per year (1,000 x 3 x $4.48). If Operator Y reduces the size of his operation by 30 acres, then the proportional water charge will be $4.12 and his total water charges for using 3 acre-feet per acre will be $12,000, or $1,440 less that with the 1,000-acre operation. This reduction in water charges is equal to the full-cost rate of $16.00 x 3 x 30.

(j) *Disposition of revenues obtained through full-cost water pricing.* The interest and full-cost revenues, less the contract water rate, shall be credited to the Reclamation fund. The portion of the full-cost rate, which would have been collected if the land had not been subject to full cost, shall be credited to the annual payments due under contractual obligation from the district.

§ 426.8 Operation and maintenance charges.

(a) *Districts with new or amended contracts.* A district which enters into a new or amended contract will be required to pay annually all O&M costs due the United States. They are to be paid to the United States on a schedule that is acceptable to the Secretary. O&M costs shall include minor replacement costs for facilities funded during the year, but will not include replacement costs which are capitalized under generally accepted accounting practices. Such replacement costs include those caused by disaster, obsolescence, or otherwise. Each year the Secretary shall estimate and advise the district of its O&M charges, and the price of irrigation water will be modified annually to reflect any changes in operation and maintenance costs in a manner that conforms with current Bureau of Reclamation policy. Furthermore, the price of irrigation water shall be at least sufficient to pay the actual O&M costs chargeable to the district for that year. The district's contract shall be amended accordingly to reflect all such changes in costs. The difference between the estimated and actual O&M costs, as determined at the end of the annual period, will be reflected through adjustment of the following year's O&M charges.

(1) The principles of this rule may be illustrated by the following:

Example. The water service contract of a district obligates the district to pay a fixed rate of $3.50 per acre-foot for water for the remaining 10 years of its 30-year contract term. When the district amends its contract to conform to title II, the price of irrigation water will include a component for construction equal to the amount the district was paying for construction at the time its contract was amended. Assuming the current capital component is $3.00 and the O&M component is $3.50, the new rate will be $6.50 with provision for future adjustment. If 1 year after the contract is amended, O&M costs increased by $0.25, then the new rate would be $6.75.

Note.—Had the district amended its contract to gain additional or supplemental benefits, economic studies would have been conducted to determine if its construction charge of $3.00 should be modified.

(b) *Landholders who make irrevocable elections.* Landholders who make an irrevocable election (thereby becoming limited or qualified recipients) must pay their portion of the full O&M costs annually for land in their landholding receiving irrigation water. The district(s) in which the recipient's landholding is situated shall be required to collect from the recipient his or her portion of the full O&M charges due and to forward such collections to the United States.

(c) *Districts which do not amend their contracts.* Districts which do not amend their existing contracts will continue to pay O&M charges under the terms and conditions of their existing contract.

§ 426.9 Class 1 equivalency.

(a) *In general.* Upon the request of any irrigation district having a contract which conforms to the provisions of title II, the Bureau of Reclamation shall make a class 1 equivalency determination for that district. This determination will establish for the district the acreage of land with lower productive potential (classes 2, 3, and 4) that would be necessary to be equivalent in productive potential to the most suitable land in the local agricultural economic setting (class 1). Once these determinations have been made, individual landowners with classes 2, 3, and 4 land will have the right to an increased acreage entitlement equivalent in productive potential to 960 acres of class 1 land, in the case of a qualified recipient, or 640 acres of class 1 land, in the case of a limited recipient.

(b) *Data requirements and use.* Class 1 land and land in lower classes shall be identified on a district basis by the Bureau of Reclamation using a standard approach in which the land classification for the entire district is

considered. Equivalency factors shall then be computed for the district and applied to specific tracts within individual landholdings. If adequate land classification data are not available, they shall be developed using standard procedures as set forth in Reclamation Instructions Series 110, Part 115, Land Resources Investigations, and Series 510, Land Classification Techniques and Standards. Economic data will be developed using procedures found in Reclamation Instructions Series 110, Part 116, Economic Investigations.

(1) *Definition of class 1 land.* Class 1 land is defined and will be classified as that irrigable land within a particular agricultural economic setting which: (i) Most completely meets the various parameters and specifications established for irrigable land classes; (ii) has the relatively highest level of suitability for continuous, successful irrigation farming; and (iii) is estimated to have the highest relative productive potential measured in terms of net income per acre (reflecting both productivity and costs of production). The objective is to establish the acreage of each of the lower classes of land which is equal in productive potential. (measured in terms of net farm income) to 1 acre of class 1 land. All land that has not been classified will be considered class 1 land for the purposes of determining acreage entitlement under these rules until such time as the land has actually been classified.

(2) *How land classes are determined.* The extent and location of class 1 land and land in lower land classes in a district have been, or will be, determined by the Bureau of Reclamation, taking into account the influence of economic and physical factors upon the productive potential of the land laying within the district. These factors include, but are not limited to: the physical and chemical characteristics of the soil, topography, drainage status, costs of production, land development costs, water quality and adequacy, and length of growing season and their affect on agricultural practices.

(3) *Level of detail.* Acceptable levels of detail for land classification studies to be utilized in making class 1 equivalency determinations for a given district shall be evaluated on the basis of the physical and agricultural economic charateristics of the area. In areas for which no current classification exists or the existing classification is unacceptable, the level of detail of the land classification to be made will never be greater than that required to make class 1 equivalency determinations where the sole purpose of the classification is such a determination.

(4) *Economic studies.* The economic studies related to class 1 equivalency determinations will measure net farm income by land classes within the district. Net farm income shall be determined by the disposable income accruing to the farm operator's labor, management, and equity from the sale of farm crops and livestock produced on irrigated land after all fixed and variable costs of production, including costs of irrigation service, are accounted for. Net farm income will be the measure of productivity to establish equivalency factors reflecting the acreage of each of the lower classes of land which is equal in productive potential to 1 acre of class 1 land.

(5) *Equivalency factors.* Equivalency factors shall be determined by comparing the weighted average farm size required to produce a given level of income on each of the lower classes of land with the farm size required to produce that income level on class 1 land.

(i) The principles of this rule may be illustrated by the following:

Example. Farmer X has a total landholding of 1,300 acres in District A. That acreage includes 800 acres of class 1 land, 300 acres of class 2 land, and 200 acres of class 3 land. The equivalency factors for the district have been determined to be: class 1=1.0, class 2=1.20, and class 3=1.50. Using these equivalency factors the following landholding in terms of class 1 equivalency would apply:

Class 1 800 acres divided by 1.0=800 acres class 1 equivalent
Class 2 300 acres divided by 1.2=250 acres class 1 equivalent
Class 3 200 acres divided by 1.5=133 acres class 1 equivalent

Thus, Farmer X's total landholding of 1,300 acres is equal to 1,183 acres of class 1 land in terms of productive capacity. It will be necessary for him to dispose of the equivalent of 223 acres of class 1 land (1,183 acres minus 960 acres). This can be accomplished in any of several ways. If he should desire to maximize his actual acreage, he would dispose of 223 acres of class 1 land, retaining 577 of class 1, 300 acres (250 acres class 1 equivalent) of class 2, and 200 acres (133 acres class 1 equivalent) of class 3. This would result in a total of 1,077 actual acres which would equal 960 acres of class 1 land in production capacity. Or, he could maximize his holding of class 1 and 2 lands by retaining 800 acres of class 1 land and 192 acres (192 divided by 1.2=160 acres class 1 equivalent) of class 2 land. This total landholding of 992 acres would, again, be equal in productive capacity to 960 acres of class 1 land. In the latter case, he would have to dispose of all 200 acres of his class 3 land and 108 acres of his 2 land.

(6) *Special considerations.* For equivalency purpose, all irrigable land will be classified as either class 1, class 2, or class 3; no other classifications are permissible. Class 4 and special-use land classes will be allocated to one of these three classes on a case-by-case basis.

(c) *Scheduling.* District requests for equivalency determinations will be scheduled by region, with the Regional Director of each of the seven regions of the Bureau of Reclamation having responsibility for such scheduling. Generally, requests will be honored on a first-come-first-served basis. However, if requests exceed the region's ability to fulfill them expeditiously, priorty will be given on the basis of greatest immediate need.

(d) *Land classification costs.* The Bureau of Reclamation has provided basic land classification data as party of the profect development process since 1924. Where the Secretary determines that acceptable land classification data are not available for making requested class 1 equivalency determinations and where the provision of these data was the responsibility of the Bureau of Reclamation during the project development process, such data will be made available at Bureau of Reclamation expense. Districts in projects authorized for construction prior to 1924 must pay one-half the costs of new land classification studies required to make accurate equivalency determinations.

(e) *Economic study cost.* The cost of performing new or additional economic studies and computations inherent in the equivalency process shall be the responsibility of the requesting district.

(f) *Appeals.* When basic land classification data are available for a district, but the district does not agree with its accuracy or asserts that the data have become outdated, the district may request, and the Bureau of Reclamation may perform, a reclassification under the authority contained in the Reclamation Project Act of 1939 (Pub. L. 76–260). The requesting district shall pay for one-half of the cost of performing such reclassifications and the full cost of all other studies inherent in the equivalency process.

(g) *Individual requests.* Individual requests for class 1 equivalency determinations will not be accepted even though the individual landowner, in the absence of district action, may have made an irrevocable election to come under the provisions of title II. Requests for equivalency must be made by the district.

(1) The application of this rule may be illustrated by the following:

Example (1). A district with an existing contract decides not to amend its contract to come under title II. However, an individual landowner within the district may make an irrevocable election to come under the new law. Such an election does not qualify the individual for a class 1 equivalency determination.

Example (2). A district decides to amend its contract to come under title II, but it elects not to request equivalency. Thus, individual landholders within the district are not entitled to equivalency until after the district makes the equivalency request and the Bureau of Reclamation has acted upon that request.

(h) *Excess land.* Until a final determination has been made by the Bureau of Reclamation on the district's request for equivalency, all land exceeding the basic ownership entitlement for qualified or limited recipients must be under recordable contract in order to be eligible for irrigation water. Once the determination has been made, the qualified recipient may withdraw land from the recordable contract in order to reach an acreage equivalent to 960 acres of class 1 land, and the limited recipient may withdraw land from the recordable contract in order to reach an acreage equivalent to 640 acres of class 1 land.

(1) *Protection during classification.* The Bureau of Reclamation will protect the excess landowner's property interests by ensuring that equivalency determinations are completed in advance of maturity dates on recordable contracts provided the district's request for an equivalency determination was made at least 6 months prior to the maturity of the recordable contract and the district fulfills its obligations under § 426.9 of these rules.

(2) *Protection during appeal.* In cases of equivalency determination appeals, the Secretary will not undertake the sale of the reasonable increment of the excess land under matured recordable contract which could be affected by a reclassification as long as that appeal is determined by the Secretary not to be an attempt to thwart the sale of excess land.

(i) *Full-cost charges.* Once the Bureau of Reclamation has acted upon the district's request and made a final equivalency determination, the full-cost water pricing structure would not come into effect until the total landholding westwide exceeds the qualified or limited recipient's landholding entitlement with equivalency. During the time when the determinations were being made, however, the full cost would be assessed on land receiving water in excess of the qualified or limited recipient's basic entitlement without equivalency.

(1) The principles of this paragraph may be illustrated by the following:

Example (1). Landholder X is a qualified recipient who owns no land, but leases 1,100 acres in a district which has requested equivalency. The land leased is a mix of classes 1, 2, and 3 land. During the time the equivalency determination was being made, Landholder X would be required to pay the full-cost water rate on 140 acres (1,100 acres leased minus the 960 acres basic entitlement at the contract water rate) if he or she elected to continue to receive irrigation water on that land. Once the equivalency determinations had been completed, Landowner X would be entitled to lease the equivalent of 960 acres of class 1 land at the contract water rate (something greater than 960 acres).

Example (2). Landholder Y is a limited recipient who owns 700 acres of land and leases another 160 acres in District A. District A has requested and received an equivalency determination. However, Landholder Y was not receiving project water prior to October 1, 1981. Thus, even with equivalency, he would be required to pay the full-cost water rate for all land served in his landholding. (If Landholder Y had been receiving project water prior to October 1, 1981, he would have been entitled to receive water on the equivalent of 320 acres of class 1 land at the contract water rate. Deliveries on the remainder of something less than 540 acres would be at the full-cost rate.)

(j) *Multidistrict landholdings.* A landholder with holdings in more than one district is entitled to equivalency only in those districts which have requested equivalency (or are already subject to equivalency). That part of the landholding in a district or districts not requesting equivalency will be counted as class 1 land for purposes of overall entitlement.

(1) The application of this rule may be illustrated by the following:

Example (1). Landholder X is a qualified recipient and owns 320 acres in each of three districts. One of those districts, District A, requests and receives an equivalency determination. From the equivalency determination, Landholder X is shown to own the equivalent of 240 acres of class 1 land in District A. Landholder X is therefore entitled to buy an additional 80 acres receiving irrigation water in some other district or he could lease 80 acres in some other district and receive irrigation water for it at the contract rate. In District A itself, Landholder X could buy an additional 80 acres of class 1 land or something greater than 80 acres of class 2 or 3 land. If Landholder X preferred to lease in District A, he could lease 80 acres of class 1 land or something greater than 80 acres of class 2 or 3 land and receive irrigation water for that leased land at the contract water rate.

Example (2). Landholder Y owns 1,200 acres in District A and 160 acres in District B. Landholder Y is a qualified recipient and has designated 800 acres in District A as nonexcess and put the 400 acres of excess land under recordable contract so that it can be irrigated while still in his ownership. Subsequent to this nonexcess land designation, District A requests and receives an equivalency determination. Landholder Y is then free to withdraw excess land from recordable contract to take advantage of the equivalency determination in District A. Landholder Y, when able to show good cause, may even redesignate the nonexcess land under recordable contract [section 426.11(b)] if an appraisal of the excess land has not already been requested and performed. The maturity date as determined in the original contract, however, would not change.

(k) *Existing equivalency determinations.* In districts where equivalency was a provision of project authorization, those equivalency factor determinations will be honored as originally caluclated unless the district requests a reclassificaiton.

§ 426.10 Certification and reporting requirements.

(a) *Certification.* Landowners and lessees within a district which has a contract that conforms to title II shall furnish the district, in a form provided by the Bureau of Reclamation, a certificate that they are in compliance with the ownership and leasing provisions of that law.

(1) *Irrevocable electors.* Individual landowners or lesses who, in the absence of district action, have made an irrevocable election to be subject to title II must also certify through the nonamending district that they are in compliance.

(b) *Reporting.* Landholders who do not come under the expanded ownership entitlement and leasing provisions of title II, but who are subject to the ownership limitations of prior law, must report through the district on the land in their ownership receiving irrigation water and the extent and condition of leases held. They must also certify that they are in compliance with the ownership limitations imposed by the prior law. The reporting form will be provided to the district by the Bureau of Reclamation.

(c) *Data requirements.* Certification and reporting forms will require a full disclosure of land owned in all districts receiving or capable of receiving irrigation water, the identification of the operator or operators of that land, the number of acres leased, the terms of any lease, and certification that the rent paid reflects the reasonable value of the irrigation water to the productivity of the land. The Secretary may require any lessee to submit to him a complete copy of any lease.

(d) *Schedule for completing certification and reporting forms.*

Certification and reporting forms will be required as a condition for the receipt of irrigation water except as provided in paragraph (e) of this section. They will be required on an annual basis. If, during the course of the year, there is any change in the information submitted on the certification and reporting form, a new declaration must be made and submitted to the district within 15 days of the change.

(e) *Exemptions.* Landholders of small tracts of less than 5 acres or of tracts which produce less than $5,000 of gross annual sales in agricultural commodities are exempt from the certification and reporting requirements.

(f) *District participation.* Each district shall be required to make the certification and/or reporting forms available to district members and to keep all certification and reporting forms on file and available for Bureau of Reclamation inspection. Additionally, each district will be required to summarize the information contained on these documents and submit the summary to the Bureau of Reclamation annually. The summary form to be used by the district will be provided by the Bureau of Reclamation.

(g) *Auditing.* The Bureau of Reclamation may conduct field audits, as necessary, to ensure compliance with title II.

(h) *False statements.* The following statement will be included in all certification and reporting forms.

"Under the provisions of 18 U.S.C. 1001, it is a crime punishable by 5 years imprisonment or a fine of up to $10,000, or both, for any person knowingly and willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement(s) as to any matter within the agency's jurisdiction."

False statement by the landholder will result also in loss of eligibility. Eligibility could only be regained upon the approval of the Secretary.

(i) *Failure to report.* Failure to submit the required certification or reporting form to the district will result in loss of eligibility by the individual landholder. Eligibility will be regained once the required form is submitted to the district.

§ 426.11 Excess lands.

(a) *In general.* As set forth in § 426.4, "excess land" means irrigable land other than exempt land owned or controlled by any landholder in excess of the maximum allowable acreage under Reclamation law. In determining excess land, all land receiving or capable of receiving irrigation water in all districts held by any landholder shall be considered. Delivery of irrigation water to excess lands is allowed only under the following conditions: (1) The land is exempt from the acreage limitation and full-cost provisions of Reclamation law, (2) the excess land has been placed under recordable contract by the landowner, or (3) the land was involuntarily acquired into excess status through inheritance, foreclosure, or other similar involuntary process.

(b) *Designation of nonexcess land.* The owner of excess land shall designate that portion of his or her land that is to be considered nonexcess. Designation shall be in accordance with provisions in the district's repayment or water service contract, provided designation procedures are specified in the contract and the entire landholding is in one district.

(1) *Designation procedures when not established by contract.* If designation provisions are not specified in the district contract, the landowner must designate that portion of the land in the ownership which is to constitute the nonexcess entitlement within 30 days of Secretarial notification to the district and that landowner. The designation will take into account all land owned by the landowner which is receiving or is capable of receiving irrigation water on a regular basis. If the landowner fails to make the nonexcess designation within 30 days, the district shall make the designation within 30 days thereafter. If the district does not make the required designation, the Secretary shall then make the designation.

(2) *Designation procedures if land is owned in more than one district.* If the land in the ownership is situated in more than one district, the landowner has 60 days from the date of notification to the district and the landowner to make the designation. The Secretary shall make the designation for the landowner if designation is not made within 60 days.

(3) *Status of nonexcess land and redesignation.* The nonexcess designation, whether made by the landowner, the district, or the Secretary, will be binding on the land and will be filed with the district and the Bureau of Reclamation. These regulations governing excess land will apply to the excess land resulting from that designation. A landowner may redesignate his or her nonexcess land from excess land in the ownership with the approval of the Secretary. If the landowner is not eligible for equivalency, he or she must make an equal exchange of acreage through the redesignation. If the landowner is eligible for equivalency the redesignation may be made on the basis of equivalent acres. Furthermore, existing nonexcess land designations made prior to October 12, 1982, can be amended at the request of the landowner to conform with title II: *provided,* the district has a new or amended contract which conforms to title II or the landowner elects to come under title II through an irrevocable election.

(i) The application of this rule may be illustrated by the following:

Example (1). Landowner X is a qualified recipient by virtue of an irrevocable election. He owns 1,200 acres in District A, of which 960 acres have been designated nonexcess and are receiving irrigation water. With the approval of the Secretary, Landowner X may redesignate the 240 acres which are now excess as nonexcess and eligible to receive irrigation water, provided he redesignates 240 acres of presently nonexcess land as excess.

Example (2). Landowner Y is a U.S. citizen and a qualified recipient by virtue of District A's contract amendment to conform to title II. Landowner Y owns 1,400 acres of land of which 960 acres have been designated nonexcess and are receiving irrigation water. Subsequent to this designation the district requests and receives an equivalency determination. All 1,400 acres of Landowner Y's land is class 3 land, and in District A, 1 acre of class 1 land is equal to 1.4 acres of class 3 land. With equivalency, Landowner Y may irrigate 1,344 acres of class 3 land in District A. Thus, he may redesignate everything in his ownership as nonexcess except for 56 acres.

Example (3). Landowner Z is a resident alien and owns 480 acres in District A. Landowner Z has designated 160 acres as nonexcess, and it is receiving irrigation water. Following this designation, District A amends its contract to conform to title II. As a result of the district amendment, Landowner Z satisfies the requirements for a qualified recipient and may designate all 480 acres owned as nonexcess.

(c) *Treatment of land ineligible under prior law.* Land ineligible for irrigation water deliveries because it was acquired from excess status without Secretarial approval prior to October 12, 1982, the period provided for executing recordable contracts under the district repayment or water service contract has expired, or the landowner failed to comply with other requirements of prior law as determined by the Secretary, may be brought into eligible status if prior to April 12, 1987, either the district in which the land is located amends its contract to conform to title II or the present landowner of the ineligible land make an irrevocable election to come under title II.

(1) The principles of this rule may be illustrated by the following:

Example (1). Landowner X bought 160 acres in District A from excess status in 1975. Landowner X, however, failed to get sale approval from the Secretary. That land has

been ineligible for service since 1975. Prior to April 12, 1987, the district in which the land is located amends its contract to conform to title II. Landowner X's 160 acres thereby become eligible for service provided he or she can meet the requirements of a qualified or limited recipient.

Example (2). Landowner Y and his wife own 1,200 acres in District B. Landowner Y and his wife are receiving irrigation water on 320 acres owned which was their maximum entitlement under prior law. The remaining 880 acres are ineligible for service and cannot ever be brought under recordable contract because the district contract stipulates a 10-year grace period from date of first water delivery to the district for bringing excess land under recordable contract. That period has long since expired.

Landowner Y makes an irrevocable election prior to April 12, 1987, to come under the provisions of title II. By that election Landowner Y, as a qualified recipient, is entitled to receive irrigation water on 960 acres owned. He and his wife may even place the remaining 240 acres in their ownership under a 5-year recordable contract. Had Landowner Y made the election after April 12, 1987, he would have still been entitled to receive irrigation water on 960 acres owned, but he could not have placed the remaining 240 acres under recordable contract.

(d) *Excess land not under recordable contract.* Excess land not under recordable contract must be conveyed to an eligible owner in a sale or transfer at a price and on terms and conditions approved by the Secretary in order to be eligible to receive irrigation water.

(e) *Recordable contracts.* Excess land becomes eligible to receive irrigation water if the owner enters into a recordable contract with the Secretary of the Interior. The excess owner must agree to dispose of the excess land, excluding mineral rights and easements, to an eligible owner under terms and conditions and at a sale price approved by the Secretary. The period allowed for the disposition of excess land under recordable contracts executed after October 12, 1982, may not exceed 5 years from the date the recordable contract is executed by the Secretary (except for the Central Arizona Project where the disposition period provided will be 10 years from the date water becomes available to the land). Water deliveries may begin on the date the secretary receives a written request from the landowner to execute a recordable contract. The landowner has 20 working days from that date to execute the recordable contract unless the Secretary waives the 20-day limitation. Land placed under recordable contract may receive irrigation water at the rate specified in the contract of the district so long as it is in the landholding of the landowner. Land under recordable contract which is leased to another, however, will be subject to the full-cost provisions of title II if the lessee's landholding exceeds the specified limitations.

(1) The principles of this rule may be illustrated by the following:

Example. Landowner X is a qualified recipient and owns 1,400 acres in District A. The landowner places 440 acres under recordable contract so that he may receive irrigation water at the contract water rate on all owned land in the district. Subsequently Landowner X leases the 440 acres under recordable contract to Landholder Y who is a limited recipient. Landholder Y was receiving irrigation water prior to October 1, 1981, and presently owns 320 acres receiving irrigation water. Under the circumstances, Landholder Y has already reached his full entitlement at the contract water rate; therefore, the full cost must be paid for any irrigation water delivered to the 440 leased acres. Leasing the land to Landholder Y does not affect other terms of the recordable contract.

(f) *Restriction on placing excess land under recordable contract.* A landowner who acquires land after October 12, 1982, which is receiving or capable of receiving irrigation water, and by so doing places himself in excess status shall not be permitted to place the land so acquired under recordable contract. In order for the excess land to regain eligible status, the sale would have to be canceled or the excess owner would have to sell the land at a price approved by the Secretary.

(g) *Recordable contracts in effect prior to October 12, 1982.* Recordable contracts executed prior to October 12, 1982, will continue in effect. However, landowners with such existing recordable contracts may request that their contracts be amended to conform to the ownership limitations contained in title II. The Secretary shall amend those contracts accordingly if: (1) The district enters into a new or amended contract which conforms to title II or (2) the excess landowner elects to conform his landholding to title II. The disposition period for such amended recordable contracts shall not be extended except as provided in paragraph (i) of this section.

(h) *Deed covenant.* In order to be eligible for water service, the following covenant shall be placed in all deeds of land acquired from excess status, whether bought under recordable contract or not:

For a period of 10 years from the date of this deed, sale by the landowner and his or her assigns of these lands is prohibited for any value that exceeds the sum of the value of newly added improvements plus the value of the land as increased by market appreciation unrelated to the delivery of irrigation water. This covenant is to satisfy the requirements in section 209(f)(2) of Pub. L. 97-293.

(i) *Extension of disposition periods for recordable contracts.* Owners of excess land under recordable contract who were prevented from selling their excess land because of Secretarial moratorium or court order shall be allowed an additional period of time to sell their excess land under recordable contract:

(1) *Westlands Water District, California.* After the order of the court in *National Land for People* v. *Andrus* is lifted, landowners with recordable contracts in the Westlands Water District, California, will be allowed a period of time equal to the time remaining on that recordable contract on August 13, 1976, to sell land under recordable contract.

(i) The principles of this rule may be illustrated by the following:

Example. A landowner in the Westlands Water District entered into a recordable contract on October 13, 1972. The recordable contract provided for a 10-year disposition period which would end on October 13, 1982. On August 13, 1976 (the date of the court-ordered moratorium on processing sales of excess land in the Westlands District), there were 6 years and 2 months remaining in the disposition period. Assuming the court-ordered moratorium is lifted on January 1, 1984, the disposition period for the recordable contract will be extended for 6 years and 2 months from that date or to March 1, 1990. The contract will mature at that time and the Secretary's power-of-attorney to sell the land will vest.

(2) *All other districts.* A moratorium on processing sales of excess land was issued by the Secretary of the Interior on June 24, 1977. This moratorium applied to all landowners with recordable contracts in all districts other than the Westlands Water District. The Commissioner of Reclamation delayed sales by other directives. Landowners affected by these actions will be given an additional period of time to dispose of their land. The extension shall be calculated from the date that processing sales of excess land is resumed and shall be equal to the time remaining on the recordable contract when the moratorium was imposed. The resumption date shall be determined by the Secretary.

(i) The principle of this rule may be illustrated by the following:

Example. A landowner in District A entered into a recordable contract on June 27, 1975. The recordable contract provided for a 10-year disposition period which would end June 27, 1985. The landowner was prevented from selling the land under recordable contract by the Secretarial moratorium of June 2, 1977. At that date, the recordable contract has a remaining disposition period

of 8 years. The disposition period for the recordable contract will be extended 8 years from the date processing sales is resumed. The resumption date shall be determined by the Secretary.

(3) *How extensions of recordable contracts are to be accomplished.* The Secretary shall prepare and execute amendatory agreements to extend recordable contracts for the appropriate period of time. The amendatory agreement will establish the new maturity date for the recordable contract and will be recorded by the Secretary in the official records of the county in which the land covered by the recordable contract is located. A copy of the amendatory agreement will also be sent to the affected landowner by the Secretary.

(4) *Water rates for land under extended recordable contracts.* A landowner who has land under an extended recordable contract may continue to receive irrigation water for that land at the contract water rate for the full term of the original contract. However, the landowner must pay the full-cost rate during the entire extended contract period unless the original contract lapsed during the moratorium or matured within 18 months of the date the moratorium is lifted. If the maturity date under the original contract lapsed during a moratorium or if the original contract matures within 18 months of the date a moratorium is lifted, the landowner may receive irrigation water at the contract rate for no more than 18 months after the processing of excess and is resumes. Thereafter, the landowner must pay the full cost of the irrigation water delivered during the extension period.

(i) The principle of this rule may be illustrated by the following:

Example: A landowner entering into a recordable contract on June 27, 1972. The recordable contract provided for a 10-year disposition period which ended on June 27, 1982. However, the landowner was prevented from selling the land by the Secretarial moratorium of June 27, 1977. Since the landowner had 5 years remaining on the original recordable contract when the moratorium was imposed, the contract will be extended for 5 years from the processing of the sale is resumes. The resumption date will be determined by the Secretary. The landowner must pay the full cost, however, for any irrigation water delivered to the land under recordable contract beginning 18 months from the date the moratorium is lifted.

(j) *Sale of excess land under recordable contract by Secretary.* All recordable contracts shall provide that a power-of-attorney shall vest in the Secretary to sell the land under recordable contract if the landowner does not dispose of the excess land within the period specified. The Secretary shall conduct such excess land sales, once the power-of-attorney has vested. The Secretary shall use the following procedures:

(1) *Surveys.* A qualified surveyor shall make a land survey when determined necessary by the Secretary. The cost of the survey will be paid by the United States and added to the sale price for the land. The cost shall be reimbursed to the United States from the proceeds of the sale.

(2) *Appraisals.* The Secretary shall appraise the excess land to determine the approvable sale price. The cost of the appraisal shall be paid by the United States. Such cost shall be added to the approved sale price and shall be reimbursed to the United States out of the proceeds of the sale.

(3) *Advertising.* The Secretary shall advertise the sale of the property in the newspapers within the county in which the land lies, in farm journals, in other similar publications, and by other public notices he determines advisable. The notices shall state: (i) The minimum acceptable sale price of the property (which equals the appraised price plus the cost of the appraisal, survey, and advertising), (ii) that the land will be sold by auction for cash or on terms acceptable to the landowner to the highest bidder whose bid equals or exceeds the minimum sale price, and (iii), the date for such sale (which shall not exceed 90 days from the date of the advertisement). The advertisement costs for the sale will be added to the sale price for the land and reimbursed to the United States from the sale proceeds.

(4) *Distribution of proceeds.* The proceeds from the sale of the land will be disbursed first, to the United States to pay the cost of the survey, appraisal, and advertising; second, to the landowner in the amount of the appraised value of the land less costs due the United States; and third, to the United States any remaining proceeds, which will be credited to the Reclamation fund.

(5) *Closing.* The sale of the excess land shall be closed by the Secretary when all sale arrangements have been completed. The Secretary shall execute a deed conveying the land to the purchaser. There shall be no requirement for a convenant in the deed (h) restricting the resale of the land.

(6) *Water deliveries.* Excess land under matured recordable contracts will be eligible to continue to receive irrigation water until the land is sold by the Secretary.

(k) *Land with becomes excess because of Westwide application or enforcement of other requirements of law.* Land may become excess through the westwide enforcement of acreage limitation or because of restrictions on delivery of water to nonresident aliens. Owners may place such land under recordable contract as provided in § 426.11(e) of these regulations. The recordable contract in such situations shall be modified to permit the landowner to sell the excess land to an eligible purchaser without price approval by the Secretary. The deed conveying the excess land shall not contain the standard convenant paragraph (h) requiring sale price approval by the Secretary for a period of 10 years following initial sale. The land shall be sold in accordance with the procedures established in paragraph (j) if the Secretary's power-of-attorney to sell land vests.

(1) This rule may be illustrated by the following:

Example. Landowner X and his wife are U.S. citizens and own 320 acres receiving irrigation water in each of Districts A, B, C, and D. District A amends its contract to conform to title II. Landowner X and his wife automatically and without benefit of choice become a qualified recipient and as such as entitled to irrigate no more than 960 acres westwide with irrigation water. Since their present ownership exceeds 960 acres receiving irrigation water, 320 acres would have to be place under recordable contract if it were to remain eligible to receive irrigation water. Landowner X could sell the land at fair market value at any time within 5 years of the contract date.

426.12 Excess land appraisals.

(a) *In general.* The following regulations shall apply to all excess land placed under recordable contract after October 12, 1982. They shall also apply to all recordable contracts and/or repayment contracts entered into by the Secretary prior to October 12, 1982, if consistent with the provisions of those contracts.

(1) All appraisals of excess land will be based on the fair market value of the land at the time of appraisal without reference to the construction of the irrigation works. Standard appraisal procedures including but not limited to the income and comparable sales methods shall be used. Nonproject water supply factors as provided in (3) shall be considered as appropriate.

(2) Improvements shall be appraised on the basis of their contributory fair market value as of the date of appraisal, using standard appraisal procedures.

(3) Nonproject water supply factors such as: (i) ground-water pumping lift, (ii) surface water supply, (iii) water quality, and (iv) trends associated with

a, b, and c shall be considered where appropriate. The Bureau of Reclamation shall develop the nonproject water supply and trend information and specify how that information is to be used in the appraisal. The district may request to participate. The excess landowner also may submit information relevant to these determinations through the district. The Secretary shall make all final determinations considering the data provided by the Bureau of Reclamation and the district if the Bureau and the district cannot reach agreement on the data and its use within 60 days. The Secretary shall provide available nonproject water data to the appraiser as he determines appropriate.

(4) The date of appraisal shall be the date of last inspection by the appraiser(s) unless there is an existing signed instrument such as an option, contract for sale, agreement for sale, etc., affecting the property, in which case the date of appraisal will be the date of such instrument.

(b) *When appraisals are to be made.* Appraisals of excess lands shall be made upon request of the landowner(s) or when required by the Secretary. If a request for an appaisal is not received from the landowner(s) within 6 months of the maturity date of the recordable contract, the Secretary may initiate the appraisal.

(c) *Appraiser selection and appraisal cost.* Each appraisal of excess land shall be made by a qualified appraiser selected by the Secretary except as provided in paragraph (d) of this section. The cost of the first appraisal of any excess land shall be paid by the United States. When the excess land is sold, the cost of the first appraisal shall be added to the sale price and reimbursed to the United States by the excess-land purchaser. Any costs associated with additional appraisals requested by the excess landowner shall be paid by that landowner provided the value of the land established by a reappraisal does not exceed the value established in the first by more than 10 percent. However, if the difference in the appraisal values exceeds 10 percent, the United States will pay for the reappraisal.

(d) *Appeals.* An excess landowner may request a second apparisal if the excess landowner disagrees with the first appraisal. The second appraisal shall be prepared by a panel of three qualified appraisers, one designated by the United States, one designated by the district, and the third designated jointly by the first two. This appraisal shall be binding on both parties after review and approval as provided in (e). As such it fixes the maximum value of the excess land.

(e) *Review process.* All excess land appraisals shall be reviewed by the Bureau of Reclamation for technical accuracy and compliance with these Rules and Regulations, applicable portions of Uniform Appraisal Standards for Federal Land Acquisition—Interagency Land Acquisition Conference 1973, Reclamation Instructions, and any detailed instructions provided by the Secretary setting conditions applicable to an individual appraisal.

§ 426.13 Exemptions.

(a) *In general.* The following are exempt from the ownership and pricing limitations of title II: Land receiving an agricultural water supply from projects constructed by the U.S. Army Corps of Engineers unless integrated with or made a part of a Federal Reclamation project, projects constructed under Federal Reclamation law for which the construction charge obligation of the district has been discharged, and land receiving a temporary water supply. Land determined to be an isolated tract is exempt from acreage limitation but is subject to full cost.

(1) *Corps of Engineers projects.* Land receiving an agricultural water supply from Corps of Engineers projects is exempt from title II and other provisions of Reclamation law unless it has been designated, made a part of, or integrated by statute with a Federal Reclamation project or the Secretary has provided project works for the control or conveyance of an agricultural water supply from the Corps project to the subject land. This exemption does not relieve district agricultural water users from repaying their share of construction, operation and maintenance, and contract administration costs of the Corps project allocated to conservation or irrigation storage. The Secretary shall determine the exemption status for land receiving an agricultural water supply from Corps of Engineers projects. He shall notify affected districts of the applicablilty of the ownership and pricing limitations of title II to that land. District repayment or water service contracts containing provisions imposing acreage limitation for those lands served from Corps projects which are exempt will be amended to delete those provisions at the request of the district.

(2) *Reclamation projects.* Districts shall be exempt which have repaid all obligated construction costs for project facilities. Payments by periodic installments over the contract repayment term, as well as lumpsum and accelerated payment allowed in the district's contract, shall qualify the district or individual for exemption. An individual landowner will be exempt upon repayment of construction charges allocated to that owner's land, if provided for in a contract with the United States. When a district has discharged its obligation to repay construction costs for project facilities, the Secretary shall notify the district that it is exempt from acreage limitation and the full-cost provisions of law. At the request of an owner of a landholding for which repayment has occurred, the Secretary shall provide a certificate to that owner acknowledging the landholding is free of the ownership and pricing limitations of title II. The continuation of the exemption will be considered on a case-by-case basis if additional construction funds for the project are requested.

(3) *Temporary supplies of water.* Temporary water supplies are water supplies which are not storable for project purposes. They may be infrequent or unmanaged floodflows of short duration. Such water supplies can be made available to land without regard to the acreage limitation and full-cost provisions of Federal Reclamation law for a temporary period not to exceed 1 year in the following manner:

(i) Unusually large water supplies or unmanaged floodflows can be made available by the Secretary as temporary supplies to excess land. The Secretary shall announce the availability of such temporary supplies to districts. Districts desiring deliveries of such temporary water supplies to excess land shall request the Secretary to make such deliveries. Upon approval by the Secretary, the district shall be notified of the availability of the temporary supply and the conditions for its use. The temporary supply of water shall be delivered under contracts not to exceed 1 year in accordance with existing policies and priorities. It may not have any adverse effect on other authorized project purposes or relieve the district from other water supply commitments. The Secretary shall determine the price a district is to be charged for such temporary water deliveries.

(4) *Isolated tracts.* Isolated tracts which can be farmed economically only if included in a larger farming operation shall not be subject to the ownership limitations of Federal Reclamation law. However, the full-cost provisions of title II shall apply to all applicable water deliveries to such isolated tracts that are in excess of the ownership limitation. Isolated tract determinations shall be made by the Secretary at the request of the landowner.

§ 426.14 Residency.

(a) Residency is not a requirement for the delivery of irrigation water from Reclamation project facilities. The residency requirement in section 5 of the Reclamation Act of 1902 was repealed and that portion of Solicitor's Opinion M-36919, dated December 6, 1979, which held that residency continued to be a requirement of Federal Reclamation law was thus nullified. Existing recordable contracts and certificates containing provisions requiring the purchaser of excess land to be a resident or agree to become a resident within a specified time period shall be revised to delete this requirement.

§ 426.15 Religious and charitable organizations.

(a) *Ownership entitlement.* Religious or charitable organizations which are exempt from taxation under section 501 of the Internal Revenue Code of 1954, including parishes, congregations, schools, wards, or similar organizations which own or operate landholdings in Federal Reclamation projects, will be treated as qualified recipients: *provided:* (1) That either the district in which the land is situated enters into a new or amended contract, or the religious or charitable organization or its subdivision owning or operating land in the district elects to come under title II, (2) that the agricultural produce and the proceeds of sales of such produce are used only for charitable purposes, (3) that the land is operated by the individual religious or charitable entity or organization (or subdivisions), and (4) that no part of the net earnings of the religious or charitable entity or organization (or subdivision) shall accrue to the benefit of any private shareholder or individual.

(b) *Ownership entitlement under prior law.* The provisions of the prior law will apply if neither the district nor the religious or charitable organization or its subdivision elects to come under title II. Each parish, ward, congregation, or other subdivision of the organization shall be considered an individual under prior law.

(1) The principles of this rule may be illustrated by the following:

Example (1). A charitable organization which meets the requirements of title II has subdivisions in each of five different districts. Each of these districts amends its contract to comply with title II. Therefore, each subdivision is entitled to own and farm 960 acres receiving irrigation water.

Example (2). A religious organization owns 960 acres in District A which has amended its contract to comply with title II. The religious organization farms 640 acres in its ownership and leases the remaining 320 acres to a private landholder. The 320 acres leased is ineligible for irrigation water until such time as it is farmed by the religious organization.

Example (3). A religious organization which meets the requirements of title II has subdivisions in each of Districts A, B, C, and D. Each subdivision operates 800 acres receiving project water. Districts A and B amend their respective contracts to comply with all provisions of title II; therefore, the subdivisions in Districts A and B are entitled to own or operate 960 acres receiving project water. Districts C and D do not amend their contracts to comply with title II and remain subject to the acreage restrictions contained in the prior law. The subdivisions in Districts C and D, however, make individual elections to come under all provisions of title II and are therefore entitled to own or operate 960 acres receiving Reclamation project water.

(c) *Affiliated farm management.* A religious or charitable organization or its subdivision which elects to come under title II or owns or operates land in a district which enters into a new or amended contract may retain its status as a qualified recipient and still affiliate with a more central organization of the same faith in farm operation and management. Affiliated farm management shall be permitted regardless of whether the subdivision is the owner of record of the land being operated.

(1) The principles of this rule may be illustrated by the following:

Example. A religious organization holds title to 1,280 acres in District A and 1,280 acres in District B. The acreage in District A is operated jointly by two subdivisions and the acreage in District B is operated by three subdivisions in separate farms of 300, 300, and 680 acres. Farm operations are coordinated by the religious organization through managers at each farm. Each subdivision is a qualified recipient and entitled to operate 960 acres receiving irrigation water. The religious organization is entitled to own the acreage being operated by its affiliated subdivisions in each district.

(d) *Leasing.* The full-cost provisions dealing with leased land shall apply to religious or charitable organizations or their subdivisions.

(1) The principles of this rule may be illustrated by the following:

Example. A charitable organization has subdivisions in each of Districts A, B, C, and D. Each of these districts has amended its contract to comply with title II. Each subdivision in Districts A, B, and C owns and operates 800 acres receiving irrigation water. The subdivision in District D owns and operates 960 acres and leases another 160 acres, all of which are receiving irrigation water. The subdivision in District D is obligated to pay the full cost for irrigation water delivered to the 160 acres leased.

§ 426.16 Involuntary acquisition of land.

(a) *Nonexcess land.* Nonexcess land which becomes excess because it is acquired through involuntary foreclosure (or similar involuntary process) in satisfaction of a debt, by gift, or inheritance is eligible to receive irrigation water in the new ownership for a period of 5 years. The new owner will be required during the 5-year period to pay the same price for water as the former owner. The price is established by the district's contract with the United States. Although land acquired from nonexcess status involuntarily may be sold at any time by the new owner without approval by the Secretary, it will become ineligible to receive irrigation water after 5 years and will remain ineligible until it has been sold to an eligible owner. Nonexcess land acquired involuntarily may not be placed under recordable contract by the new owner.

(b) *Excess land.* Excess land which is under recordable contract and which is acquired by involuntary foreclosure or other involuntary process may continue to receive irrigation water under the terms of the recordable contract. However, the new owner must agree to assume the recordable contract and execute an assumption agreement provided by the Secretary. Such land will be eligible to receive irrigation water for 5 years from the date it was acquired involuntarily or for the remainder of the recordable contract period, whichever is longer. The sale of such land shall be under terms and conditions set forth in the recordable contract and must be satisfactory to and at a price approved by the Secretary.

§ 426.17 Land held by governmental agencies.

(a) *Acreage limitation.* Land held by States, political subdivisions, or agencies thereof which are farmed primarily for a nonrevenue producing function, as determined by the Secretary, shall not be subject to the acreage limitation and full-cost provisions of Federal Reclamation law.

(b) *Sales.* Land held by States, political subdivisions, or agencies thereof may be sold without price approval. Once sold, such land will be eligible to receive irrigation water provided the purchaser meets the eligibility requirements to own land and receive irrigation water.

(c) *Leasing.* States, political subdivisions, or agencies thereof and agencies of the Federal Government may lease irrigable land they own or control to an eligible landholder up to that landholder's basic entitlement under Federal Reclamation law (960 acres for a qualified recipient, 640 acres for a limited recipient, or 160 acres for

landholders in districts where the prior law applies unless otherwise provided by law).

(1) The principles of this rule may be illustrated by the following:

Example. Farmer X is a qualified recipient in the State of Colorado and owns and irrigates 160 acres of land with irrigation water. The State of Colorado may lease Farmer X an additional 800 acres of State-owned land which will make up the balance of Farmer X's basic entitlement. Farmer X is still entitled, however, to lease additional acreage which may be irrigated at full cost provided that additional acreage is not owned by a governmental agency.

§ 426.18 Commingling.

(a) *Existing commingling provisions in contracts.* Provisions in repayment and water service contracts entered into prior to October 1, 1981, which define project and nonproject water or describe the delivery of project water through nonproject facilities or nonproject water through project facilities, shall continue in effect. They shall apply to renewed contracts the district enters into with the United States as well.

(b) *Establishment of commingling provisions in contracts.* New, amended, or renewed contracts may provide that irrigation water can be commingled with or exchanged for water from other sources, whether federally or privately constructed facilities are involved, as determined on a case-by-case basis. When standards can reasonably be established to assure on a volumetric basis that the irrigation or exchange water is delivered only to lands eligible to receive irrigation water, the provisions of Federal Reclamation law and these regulations will not be applicable to the nonirrigation water or irrigation water delivered by exchange as the case may be.

§ 426.19 Water conservation.

(a) *In general.* The Secretary shall encourage the full consideration and incorporation of prudent and responsible water conservation measures in all districts and for the operations of all non-Federal recipients of irrigation water from Federal Reclamation projects.

(b) *Development of a plan.* Districts that have entered into repayment contracts or water service contracts according to Federal Reclamation law including the Water Supply Act of 1958, as amended (43 U.S.C. 390b), shall develop a water conservation plan which contains definite objectives which are economically feasible and a time schedule for meeting those objectives.

(c) *Federal assistance.* The Bureau of Reclamation will cooperate, to the extent possible, with the district in studies to identify opportunities to augment, utilize, or conserve the available water supply.

§ 426.20 Public participation.

(a) *In general.* The Bureau of Reclamation will publish notice of proposed irrigation or amendatory irrigation contract actions in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Form letters, media news releases, meetings, workshops, and hearings also will be used as appropriate to provide local publicity. The public participation requirements do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. The Secretary or the district, however, may invite public participation in any contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act if the Bureau determines that the contract action may or will have "significant" environmental effects.

(1) Each public notice or news release shall include, as appropriate: (i) A brief description of the proposed contract terms and conditions being negotiated; (ii) date, time, and place of meeting or hearings; (iii) the address and telephone number of a Bureau employee to address inquiries and comments; and (iv) the period of time in which comments will be accepted.

(2) Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

(3) Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of the Bureau.

(4) All written correspondence regarding propose contracts will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

(5) Written comments on a proposed contract or contract action must be submitted to the appropriate Bureau of Reclamation officials at locations and within time limits set forth in the advance public notices.

(6) All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

(7) Copies of specific proposed contracts may be obtained from the appropriate Regional Director or his designated public contact as they become available for review and comment.

§ 426.21 Small reclamation projects.

(a) *Small reclamation project loans entered into after October 12, 1982.* Qualified or limited recipients are entitled to own and irrigate 960 and 320 acres of land, respectively, in districts entering into contracts for Small Reclamation project loans after October 12, 1982. Irrigation water to these recipients shall be delivered at the repayment rate specified in the district's contract. If a recipient owns and irrigates land in excess of his respective entitlement he must pay the contract rate as well as interest on that portion of the loan attributable to the excess land served. The interest rate to be used in these computations is set forth in the Act of August 6, 1956 (43 U.S.C. 42e).

(b) *Small reclamation project loans entered into prior to October 12, 1982.* Districts with Small Reclamation project loans which were entered into prior to October 12, 1982 must continue to abide by the provisions in that loan contract.

§ 426.22 Decisions and appeals.

Unless otherwise provided by the Secretary, the Regional Director shall make any determination required under these rules and regulations. A party directly affected by such determination may appeal in writing to the Commissioner of the Bureau of Reclamation within 30 days of receipt of the Regional Director's determination. The time for appeal may be extended by the Secretary. The affected party shall have an additional 30 days thereafter within which to submit a supporting brief or memorandum to the Commissioner. The Regional Director's determination will be held in abeyance until the Commissioner has reviewed the matter and rendered a decision. Pertinent addresses are shown below:

Commissioner, Bureau of Reclamation, Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240;
Regional Director, Pacific Northwest Region, Bureau of Reclamation, 550 West Fort Street, P.O. Box 043, Boise, ID 83724;
Regional Director, Mid-Pacific Region, Bureau of Reclamation, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825;
Regional Director, Lower Colorado Region, Bureau of Reclamation, Nevada Highway and Park Street, P.O. Box 427, Boulder City, NV 89005;

Regional Director, Upper Colorado Region, Bureau of Reclamation, 125 South State Street, P.O. Box 11568, Salt Lake City, UT 84147;
Regional Director, Southwest Region, Bureau of Reclamation, 714 South Tyler, Amarillo, TX 79101;
Regional Director, Upper Missouri Region, Bureau of Reclamation, 316 North 26th Street, P.O. Box 2553, Billings, MT 59103; and
Regional Director, Lower Missouri Region, Bureau of Reclamation, Building 20, Denver Federal Center, P.O. Box 25247, Lakewood, CO 80225.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 82-832; RM-4254]

FM Broadcast Stations in Cascade Village, Colorado; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule (report and order).

SUMMARY: Action taken herein denies a petition to assign FM Channel 297 to Cascade Village, Colorado, filed by Keith E. Lamonica. Petitioner failed to establish Cascade Village's status as a community for assignment purposes.

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

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

List of Subjects in 47 CFR Part 73.

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Cascade Village, Colorado) MM Docket No. 82-832; RM-4254.

Adopted: April 8, 1983.

Released: April 26, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 48 FR 1521, published January 13, 1983, proposing the assignment of Class C Channel 297 to Cascade Village, Colorado, as that community's first FM assignment, in response to a petition filed by Keith E. Lamonica ("petitioner"). Supporting comments were filed by petitioner reaffirming his intention to apply for the channel, if assigned. Additionally, opposing comments and a counterproposal [1] were filed by KDRW Radio ("KDRW"), licensee of AM Station KDRW, Silverton, Colorado. Comments were also filed by Fordstone, Inc. ("Fordstone"), licensee of Stations KIUP(AM) and KRSJ(FM), Durango, Colorado. Petitioner filed reply comments.

2. KDRW's comments not only address petitioner's proposal but also his relationship with its station. Specifically, KDRW advises that petitioner signed a one-year contract with its station, and, although he is no longer in its employ, the agreement is still effective. KDRW advises that the contract, *inter alia*, forbids petitioner herein from participating in any manner with other radio stations or possible radio stations in its market during the contractual period. Therefore, KDRW concludes that assignment of Channel 297 to Cascade Village would infringe on its market area in direct conflict with the terms of that agreement. KDRW advises that, in light of the above, if Channel 297 is assigned to Cascade Village and petitioner applies for the channel, it will seek a permanent injunction against him for violation of the terms of his contract.

3. Fordstone's comments allege that Cascade Village is not a community within the scope of the Commission's determination and thus urges denial of the proposal. Appended to Fordstone's comments is a brochure describing the recreational nature of Cascade Village. According to Fordstone, as the brochure depicts, Cascade Village is a private ski resort area located north of Durango. Further, Fordstone asserts that Cascade Village has few permanent residents, is unincorporated, and has none of the indicia commonly associated with community status, *i.e.*, civic and charitable organizations, schools, municipal services, post office, or print media.

4. Furthermore, Fordstone notes that the 1980 U.S. Census does not list Cascade Village as a place, much less an incorporated community. Fordstone thus urges that in view of petitioner's failure to reveal any communal characteristics of Cascade Village to justify his proposal, the petition should be denied.

5. Petitioner's reply comments addressed KDRW's counterproposal to assign Channel 297 to Farmington, New Mexico. However in light of our action with respect to that proposal (see footnote 1, *supra*), no discussion thereon is warranted here.

6. Petitioner concedes that although Cascade Village is not incorporated, it did not exist at the time the 1980 Census was taken. Petitioner submits that since opponents were able to precisely identify Cascade Village by location and population, it thereby demonstrates that it is a geographically identifiable population grouping.

7. Petitioner likewise disputes opponent's contention that Cascade Village's size should preclude it from obtaining its own FM allocation, particularly where, as here, a first service is involved, citing *Fruita, Colorado*, 48 RR 2d 1561 (1981), and *Washburn, Missouri*, 48 RR 2d 1703 (1981).

8. Further, petitioner claims that this area of Colorado is rapidly developing as a winter resort and that due to the vastness as well as remoteness of the area, an even greater need exists to provide the region with its first local aural broadcast facility for the essential dissemination of extreme weather and road conditions.

9. In conclusion, petitioner asserts that the basic undertone of opponent's arguments is their private desire to avoid competition, to the detriment of the public interest.

10. Appended to petitioner's reply comments were letters from Mr. Timothy G. Sarmo, Town-County Coordinator of Silverton, San Juan County, Colorado, and Congressman Ray Kogovsek of Colorado. Therein, Mr. Sarmo states that Cascade Village is a planned recreational project that is technically known as a "Planned Unit Development" which eventually will consist of condominium units, lodging facilities and commercial outlets. Further, he reports that although roads leading into the project were built by the developer, they will be maintained by the property owners association. Moreover, Mr. Sarmo advises that an independent security force "has been promised by the development." Additionally, Mr. Sarmo advises that Cascade Village has a ten-year construction plan although many buildings now exist. Overall, Mr. Sarmo concludes that although seasonal recreation appears to be the primary use of condominium purchasers at Cascade Village, in the long run, it will probably evolve into yearly residences, and may actually incorporate in the future.

11. Congressman Kogovsek states that Cascade Village is a viable and growing

[1] KDRW proposed the assignment of Channel 297 to Farmington, New Mexico. Since that proposal conflicted with the proposed assignment of Channel 297 to Cascade Village, the Commission found an alternate channel for Farmington which does not conflict with any other proposed assignment and therefore is being treated separately in another proceeding (see MM Docket No. 83-191; RM-4352).

area which consists of nearly 500 condominium units at the present time. Moreover, he states that Cascade Village maintains its own sewage and treatment plant and is served by the San Juan County Sheriff's Office. Additionally, it is stated therein that Cascade Village is located one mile from a major ski area that is planning a $250 million expansion. In sum, Congressman Kogovsek asserts that this rapidly expanding area would be effectively served by the proposed station "whose 100,000 watt transmitter would cover an area extending from Farmington, New Mexico to Montrose, Colorado." In light of the fact that Cascade Village is isolated with little or no access to local news, Congressman Kogovsek reiterates petitioner's assertion that the proposed FM station would provide a valuable service reporting on extreme weather and road conditions common to the area.

12. KDRW's dispute with petitioner's proposal stems not only from the proposed assignment *per se*, but appears to also be of a private nature between the individuals. Therefore, the Commission takes no position with respect to KDRW's allegations except to state that this is the sort of matter that is more appropriately considered at the application stage. In any event, KRDW's allegations do not disqualify petitioner from expressing his interest in the proposed assignment to Cascade Village, nor any other proposal in the future. If, in fact, KDRW's underlying fear is that of economic harm, it will have an opportunity to address such issue at the application stage. See, *Medford and Klamath Falls, Oregon*, adopted March 4, 1983, BC Docket No. 82–308.

13. Initially, we must decide whether Cascade Village qualifies as a community for assignment purposes. In the *Second Report and Order* in BC Docket No. 80–130, *Revisions of FM assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982), the Commission eliminated many of its assignment requirements. However, it stressed that Section 307(b) necessitates that we continue to require assignments to "communities" as a geographically identifiable population grouping. If the community is incorporated or listed in the U.S. Census, that is generally sufficient to satisfy its status. In the absence of such recognizable community status, petitioner is required to supply the Commission with adequate information to demonstrate that such a place is a geographically identifiable population grouping and thus may qualify as a community for Section 307(b) purposes. See, *Yorktown, Virginia*, 38 Fed. Reg. 6695, released March 12, 1983 (*Notice*).

14. In the *Declaratory Ruling Concerning the Meaning and Effect of § 73.642(a)(3)*, 55 FCC 2d 187, 189 (1975), the Commission held that:

> Although broadly speaking, a community consists of an identifiable population grouping with common local interests, there is not hard and fast rule to apply in deciding whether a particular population grouping constitutes a community and all relevant facts in each case must be weighed. Incorporation is not a prerequisite, and while a community need not have a clearly delineated area and population, it is no doubt correct to state that in most cases a community is a city, town, village or other political subdivision, citing *Mercer Broadcasting Co.*, 22 FCC 1009 (1957); *Musical Heights, Inc.*, 37 FCC 82 (1964); *Holston Broadcasting Corp.*, 1 RR 2d 982; and *Hymen Lake*, 46 FCC 2d 562 (1974).

15. Even though Cascade Village may not have come into existence until after the 1980 U.S. Census was taken, that factor standing alone does not disqualify its status for assignment purposes. As the Commission has traditionally held, "* * * the term community means a specific locality, with defined boundaries, where the residents share common interests." See, *Naples, Florida*, 41 RR 2d 1549 at 1553 (1977). As we held in *Coker, Alabama*, 43 RR 2d 190 at 193 (1978), absent other evidence "* * * which demonstrates that the [local] businesses, organizations or services meet the needs of a recognizable group with common interests, we will not make an FM assignment."

16. Based on the facts presented, it appears that Cascade Village is solely a resort area that has a transitory population which fluctuates as the tourist season changes. Petitioner has not demonstrated that Cascade Village is comprised of any of the components which are traditionally considered under Commission criteria to determine community status for assignment purposes such as a post office, library, schools, shopping centers, churches, social and/or civic organizatios, newspapers or other indicia.[3] Here, there are no officially recognizable boundaries, and thus there is no assurance that the requirements of § 73.315 of the Commission's Rules with respect to coverage of the proposed service area could be met.[4]

17. Neither do we find the decisions relied upon by petitioner in *Fruita, Colorado*, or *Washburn, Missouri, supra*, supportive of its position. Even though each of those assignments were made despite their small size, their status as a community was not in question, and therefore, under the Commission's assignment criteria at that time, they were entitled to receive a first local service.

18. In view of the above considerations, *it is ordered*, That the petition of Keith E. Lamonica, requesting the assignment of Channel 297 to Cascade Village, Colorado, *is denied*.

19. *It is further ordered*, That this proceeding *is terminated*.

20. For further information concerning the above, contact Nancy V. Joyner, Mass Media Bureau, (202) 634–6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-11793 Filed 5-2-83; 8:45 am]

BILLING CODE 6712-01-M

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[3] See, *Ansley, Alabama*, BC Docket No. 81–154 (Mimeo No. 30462), adopted November 16, 1981; *Avon and Beaver Creek Colorado*, BC Docket No. 82–65 (Mimeo No. 31538), adopted June 3, 1982.

[4] See, *Naples, Florida, supra*.

Notices

Federal Register
Vol. 48, No. 86
Tuesday, May 3, 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

Food and Nutrition Service

National Advisory Council on Child Nutrition; Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the National Advisory Council on Child Nutrition, established by Section 15 of the National School Lunch Act to make a continuing study of the child nutrition programs of the U.S. Department of Agriculture, has scheduled a meeting for May 16–17, 1983. The meeting will take place from 8:30 a.m. to 5:00 p.m. on Monday, May 16; and from 8:30 a.m. to 3:00 p.m. on Tuesday, May 17 at the Holiday Inn, 480 King Street, Alexandria, Virginia (Old Town-Alexandria) 22314. If time permits, the general public will be allowed to participate in the discussions.

The meeting will be devoted primarily to a discussion of current program issues. The agenda will be available 15 days prior to the meeting. Requests for the agenda should be sent to Mr. George A. Braley, Executive Secretary, National Advisory Council on Child Nutrition, United States Department of Agriculture, Food and Nutrition Service, 3101 Park Center Drive, Alexandria, Virginia 22303, (703) 756-3052.

Dated: April 28, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-11753 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-30-M

Forest Service

San Juan National Forest Grazing Advisory Board; Meeting

The San Juan National Forest Grazing Advisory Board will meet on Friday, May 20, 1983, at 1:00 p.m. at the San Juan National Forest Office, Conference Room, 701 Camino del Rio, Durango, Colorado. The Board was established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include: (1) Recommendations for the utilization of range betterment funds; (2) recommendations for the development of allotment management plans; (3) discussion of effects of the Draft San Juan National Forest Land and Resource Plan on allotment management plans and utilization of range betterment funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify N. E. Bond, San Juan National Forest (303-247-4874) prior to the meeting. The public may participate in discussions during the meeting or may file a written statement following the meeting.

Dated: April 25, 1983.

P. C. Sweetland,

Forest Supervisor.

[FR Doc. 83-11713 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Washington Electric Cooperative; Environmental Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA) pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Guidelines (40 CFR Parts 1500-1508), and REA's Bulletin 20-21:320-21, Environmental Policies and Procedures, has prepared a Finding of No Significant Impact (FONSI) with respect to proposed financing assistance to Washington Electric Cooperative, Inc., (WEC) of East Montpelier, Vermont. This financing assistance will be used by WEC for the purchase of development rights and the construction of a one MW hydroelectric facility at an existing flood control dam located on the North Branch of the Winooski River at Wrightsville, Vermont.

FOR FURTHER INFORMATION CONTACT: REA's FONSI and Environmental Assessment (EA) along with WEC's Borrower's Environmental Report (BER) and other related material can be reviewed in, or requested from, the Office of the Director, Northeast Area—Electric, REA, South Agriculture Building, Room 0243, Washington, D.C. 20250, telephone (202) 382-1420, or the Office of WEC, (Mr. Robert O. Toombs, General Manager) East Montpelier, Vermont 05651, telephone (802) 223-5245.

SUPPLEMENTARY INFORMATION: REA has reviewed the BER submitted by WEC and determined that it represents an accurate evaluation of the environmental impacts of the proposed project. REA has also determined that the proposed project will have no affect on threatened and endangered species, or known cultural resources, and no significant adverse affect of prime farmland, floodplains or wetlands. As a result of proposed project, the flood prone area of the Wrightsville Reservoir will rise a maximum of 4.58 meters (15 ft.) and 2.84 hectares (7 acres) of wetlands and 8.1 hectares (20 acres) of prime farmland will be inundated. However, REA has determined there are no practicable alterantives to involing these areas and the construction and operation of the proposed project will have no unacceptable impact to the environment.

The alternatives evaluated by REA included no action, conservation, purchasing other types of generating facilities, and purchasing from other sources. After evaluating these alternatives, REA has determined that construction of the project, as proposed, represents the preferred alternative when environmental, economic, and technical factors are balanced.

Based upon the BER and other related data, REA prepared an EA and FONSI concerning the proposed construction. It is REA's view that the proposed financing assistance will not be a major Federal action that will significantly affect the quality of the human environment.

This program is listed in the catalog of Federal Domestic assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated: April 25, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-11628 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-15-M

Rio Grande Electric Cooperative, Inc.; Construction of Transmission Facilities; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Notice of finding of no significant impact.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500), and REA Bulletin 20-21:320-21, Environmental Policies and Procedures, has made a Finding of No Significant Impact (FONSI) with respect to financing assistance for the construction of 138 kV transmission facilities by Rio Grande Electric Cooperative, Inc., (Rio Grande) in Pecos and Terrell Counties, Texas.

FOR FURTHER INFORMATION CONTACT: REA's Finding of No Significant Impact and Environment Assessment (EA) and Rio Grande's Borrower's Environmental Report (BER) may be reviewed in the office of the Director, Southwest Area-Electric, Room 3862, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 382-1940 or at the office of Rio Grande Electric Cooperative, Inc., (R.D. Gwartney, Manager) P.O. Box 125, Brackettville, Texas 78832, telephone (512) 563-2844 during regular business hours.

SUPPLEMENTARY INFORMATION: REA, in conjunction with a request for financing assistance from Rio Grande, has reviewed the BER submitted by Rio Grande and has determined that it represents an accurate assessment of the environmental impact of the proposed project. Rio Grande's project consists of a 138 kV transmission line about 34 km (21 mi) long between the proposed Sheffield switching station 6.1 km (3.8 mi) southeast of Sheffield, Texas, and the proposed Terrell distribution substation about 5 km (3 mi) southeast of the intersection of state roads 3166 and 349.

REA determined that the proposed project will have no effect on prime farmland and threatened and endangered species. Rio Grande's 138 kV line will traverse the floodplain and wetland associated with Independence Creek. REA determined that the project will have no effect on the floodplain and wetland. The State Historic Preservation Officer determined that the project will have no effect on cultural resources.

Alternatives examined for the Sheffield-Terrell 138 kV line included: (1) No action, (2) upgrading existing facilities, (3) energy conservation and load management, and (4) alternate station sites and routes.

Based upon the BER and support documents, REA prepared an EA concerning the proposed project and its impacts. REA concluded that the proposed financing assistance for Rio Grande would not be a major Federal action signficantly affecting the quality of the human environment.

In accordance with REA Bulletin 20-21:320-21, dated January 21, 1980, Rio Grande adversited and requested comments on the environmental aspects of the proposed project in local newspapers in Pecos, Terrell and Val Verde Counties, Texas. There were no comments.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850-Rural Electrification Loans and Loan Guarantees.

Dated: April 28, 1983.

Harold V. Hunter,

Administrator.

[FR Doc. 83-11736 Filed 5-2-83; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 11-83]

Foreign-Trade Zone 70; Application for Subzone at Ford Auto Plant, Dearborn, Michigan

An application has been submitted to the Foreign-Trade Zones Board (The Board) by the Greater Detroit Foreign-Trade Zone, Inc. (GDFTZ), a Michigan non-profit corporation and grantee of Foreign-Trade Zone 70, requesting authority for a special-purpose subzone at a Ford Motor Corporation auto assembly plant in Dearborn, Michigan, within the Detroit Customs port of entry. It was sumbitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 21, 1983. The applicant is authorized to make this proposal under Chapter 447, Act 154, Michigan Public Acts of 1963 (MSA 21.302(1)).

On July 21, 1981, the Board authorized GDFTZ to establish a foreign trade zone project in the Detroit area (Board Order 176, 46 FR 38941, July 30, 1981). General-purpose zone facilities are located at the Clark Street Port facility in Detroit and at a distribution complex in Dearborn. The project also includes subzones at Ford's tractor plant in Romeo, Michigan, at Chrysler's Jefferson Assembly Plant in Detroit, and at Ford's Wayne auto assembly plant.

GDFTZ now requests subzone status for Ford's Dearborn plant, which covers 72 acres at 3001 Miller Road in Dearborn, Michigan, some 12 miles from downtown Detroit. The facility is used for the assembly of compact automobiles. Although most of the parts and material used at the plant are produced domestically, about 6 percent of the components, such as radios, engines and transmissions, are imported.

Zone procedures will exempt Ford from paying duties on foreign components used for its exports. On its domestic sales, the company will be able to defer duty and to take advantage of the same duty rate available to importers of finished autos. The average duty rate for the foreign components Ford uses at its plant is 4.5 percent whereas the rate for finished autos is 2.8 percent. The savings from zone procedures are expected to contribute to Ford's efforts to reduce plant costs, helping to make it more competitive with auto production facilities offshore. This will encourage Ford to keep the Dearborn facility in operaton and create an environment which could lead to a possible increase in the plant's workforce, currently some 3200 persons.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; Louis A. Mezzano, District Director, U.S. Customs Service, North Central Region, 447 Michigan Avenue, Detroit, Michigan 48226; and Colonel Raymond T. Beurket, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Michigan 48231.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before June 3, 1983.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, Federal Building, Room 445.

231 West Lafayette Street, Detroit, Michigan 48226
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, N.W., Washington, D.C. 20230

Dated: April 26, 1983.

John J. Da Ponte, Jr.

Executive Secretary.

[FR Doc. 83-11739 Filed 5-2-83; 8:45 am]

BILLING CODE 3510-25-M

International Trade Administration

Non-Rubber Footwear From Argentina; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of final results of administrative review of countervailing duty order.

SUMMARY: On December 15, 1982, the Department of Commerce published in the Federal Register the preliminary results of its administrative review of the countervailing duty order on non-rubber footwear from Argentina. The review covered the period January 17, 1979, through December 31, 1980. The notice stated that the Department had preliminarily determined the amount of the net subsidy to be 4.11 percent *ad valorem* for 1979 and 3.94 percent *ad valorem* for 1980.

Interested parties were invited to comment on the preliminary results. After review of all comments received, the final results of the review are the same as those presented in the preliminary results.

EFFECTIVE DATE: May 3, 1983.

FOR FURTHER INFORMATION CONTACT: Edward Haley or Larry Hampel, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On December 15, 1982, the Department of Commerce ("the Department") published in the Federal Register (47 FR 56162) the preliminary results of its administrative review of the countervailing duty order on non-rubber footwear from Argentina (44 FR 3474, January 17, 1979). The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are footwear described in Part 1A of Schedule 7 of the Tariff Schedules of the United States Annotated, excluding items 700.5100 through 700.5400, 700.5700 through 700.7100, and 700.9000, and imported directly or indirectly from Argentina. The notice of preliminary results of this review erroneously included items 700.5400 and 700.9000, which were not covered by the scope of the order and are not covered by these final results.

The review covers the period January 17, 1979 through December 31, 1980. We reviewed benefits available under an income tax reduction plan and the reembolso, an export rebate program, both found countervailable in the original final determination, and a system of preferential financing for exports, found countervailable in the final countervailing duty determination on leather wearing apparel from Argentina (46 FR 23090).

Analysis of Comments Received

Interested parties were invited to comment on our preliminary results. The Department received written comments from the Government of Argentina and from the petitioner, the Footwear Industries of America, Inc.

Comment 1

The Argentine government contends that the benefit attributed to the income tax reduction plan for 1979 is too large, because the Department assumed full use of the allowable tax deductions. Further, because the Argentine government never indexed or adjusted the benefit, the benefit was eroded by inflation. The program did not involve money refunds, could not be applied to other taxes, and was not transferable; therefore, the benefit was insignificant and not considered by footwear companies when pricing exports.

Department's Position

In the absence of any statistical data on the actual use of this program in 1979, the Department assumes full use of the program. Further, the impact of a benefit on an exporter's pricing policy is not relevant in determining whether that benefit constitutes a subsidy.

Comment 2

The Argentine government contends that the Department should verify and consider loan information for 1980 provided after the publication of the preliminary results. The new information indicates that the actual usage rate in 1980 of the preferential loan program was 9.15 percent, rather than the maximum allowable rate of 55 percent assumed by the Department. Multiplying the actual usage rate by the interest rate differential results in a lower benefit than that calculated by the Department.

Department's Position

Although the Department requested information for 1980 in the course of the review, it was not submitted prior to publication of our preliminary results. Therefore, we view the information ultimately submitted as untimely, and we have not considered it in calculating these final results.

Comment 3

The petitioner contends that the Department should verify the information submitted by the Argentine government. The verification should include a reexamination of the reembolso program to confirm that the program continues to meet the linkage test for the rebate of indirect taxes. The Department should not presume that linkage exists on the basis of prior investigations.

Department's Position

Neither section 751 of the Tariff Act of 1930 ("the Tariff Act") nor the Commerce Regulations require verification of information submitted in the course of an administrative review. Verification in section 751 administrative reviews is discretionary. *See, e.g.*, "Termination of Suspension Agreement and Issuance of Countervailing Duty Order" regarding leather wearing apparel from Argentina (48 FR 11480). During this review, we found linkage for this product based on a study of specific taxes used by the Argentine government to set the 1976 reembolso rate and our reviews of specific taxes levied on non-rubber footwear during 1979 and 1980. We did not rely on prior investigations. In the next administrative review of the order, the Department intends to verify the information received.

Comment 4

The petitioner maintains that controls on the export of Argentine hides results in a subsidy to Argentine footwear producers by artificially depressing the domestic price of raw materials.

Department's Position

The Department will consider in the next administrative review of the order any possible subsidies to non-rubber footwear manufacturers resulting from an export tax or other controls on the export of hides.

Comment 5

The petitioner contends that from 1979 to 1980 a reported 50 percent decline in production capacity and a 25 percent decline in the number of manufacturers of non-rubber footwear suggest a planned reorganization of the industry. Such a reorganization would require government intervention and may imply additional subsidy programs, which the Department should investigate.

Department's Position

In its response to our questionnaire, the Government of Argentina stated that it provided no subsidies, not covered by the questionnaire, to manufacturers or exporters of non-rubber footwear. In the absence of stronger evidence to the contrary, we accept that statement.

Comment 6

The petitioner asserts that documentation supplied by the Argentine government regarding the income tax deduction for export-related income is insufficient to demonstrate its expiration on June 30, 1980. Further, if the program was significant enough to be extended through the first half of 1980, it is inconceivable that it was not used. The Department is therefore obliged to verify the Argentine government's claim that the program was not used during that period.

Department's Position

Decrees No. 138, 1467, 823, 3181 and 1053/80 are in the record of this review. Decree No. 138 of January 20, 1975 (amended by No. 1467), which established the program, contains an automatic expiration date. Decrees 823 of June 14, 1976, 3181 of October 19, 1977 and 1053/80 of May 16, 1980, extended the program for specific periods, the last ending on June 30, 1980. We have no evidence of any additional extension, and are relying on the respondent's statement that the program was not used in 1980. The Department's position with regard to our obligation to verify in section 751 reviews is set out in our response to Comment 3, above.

Final Results of the Review

After consideration of all comments received, the final results of our review are the same as those presented in the preliminary results of the review. We determine the net subsidy to be 4.11 percent *ad valorem* for the period January 17, 1979 through December 31, 1979, and 3.94 percent *ad valorem* for calendar year 1980. Accordingly, the Department will instruct the Customs Service to assess countervailing duties of 3.94 percent of the f.o.b. invoice price on all shipments of Argentine non-rubber footwear entered, or withdrawn from warehouse, for consumption on or after January 1, 1980 and exported on or before December 31, 1980.

The provisions of T.D. 79-18 and section 303(a)(5) of the Tariff Act, prior to the enactment of the Trade Agreements Act of 1979, apply to all entries made prior to January 1, 1980. The Department therefore will instruct the Customs Service to assess countervailing duties of 0.86 percent of the f.o.b. invoice price on all shipments of such merchandise entered, or withdrawn from warehouse, for consumption on or after January 17, 1979 and on or before December 31, 1979.

Further, as provided for by section 751(a)(1) of the Tariff Act, we will instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 3.94 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department is now commencing the next administrative review of the order.

The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 355.41 of the Commerce Regulations (19 CFR 355.41).

Dated: April 27, 1983.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-11740 Filed 5-2-83; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Allocation of Duty-Free Quotas for Calendar Year 1983 Among Producers Located in the Virgin Islands and Guam

AGENCY: Import Administration, International Trade Administration, Commerce and Office of the Secretary, Interior.

ACTION: Allocation of duty-free quotas for calendar year 1983 among producers located in the Virgin Islands and Guam.

SUMMARY: Pursuant to Pub. L. 97-446, the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of watch quotas among watch assembly firms in the insular possessions. The criteria for the calculation of the 1983 watch quotas among producers in the Virgin Islands and Guam are set forth in the appendix to the regulations (15 CFR Part 303) published in the **Federal Register** dated April 25, 1983 (48 FR 17579 (1983)). The Departments have verified the data submitted on application form ITA-334P by producers in the Virgin Islands and Guam and inspected the current operations of all producers in accordance with § 303.4(b) of the codified rules. The verification established that in calendar year 1982 the Virgin Islands watch assembly firms shipped 1,441,879 watches and watch movements into the customs territory of the United States under General Headnote 3(a) of the Tariff Schedules of the United States. The dollar amount of corporate income taxes paid by all producers during calendar year 1982, less penalty payments and refunds and subsidies, plus the dollar amount of wages, up to a maximum of $28,000 per person, paid by all producers during calendar year 1982 to residents and attributable to the producers' headnote 3(a) watch and watch movement assembly operations totalled $1,667,618. The calendar year 1983 Virgin Islands annual allocations set forth below are based on the data verified by the Departments in the Virgin Islands and are made in accordance with the formula established for allocation of watch quota for calendar year 1983. The allocations include reallocations pursuant to the codified watch quota rules, as more fully explained in the Supplementary Information, below.

The duty-free watch quota allocations for calendar year 1983 in the Virgin Islands are as follows:

Name of firm	Annual allocation
1. Atlantic Time Products	110,625
2. Belair Watch Corp. & Belair Quartz Inc	500,000
3. Hampden Watch Co., Inc	250,000
4. Master Time Co., Inc	200,000
5. Progress Watch Co., Inc	800,000
6. Unitime Ind. Inc	500,000

The Guam allocation is made pursuant to Section 2 of the appendix and is shown below.

Name of firm	Annual allocation
Timewise Ltd.	500,000

FOR ADDITIONAL INFORMATION CONTACT: Frank Creel, who can be reached on 202-377-1660.

SUPPLEMENTARY INFORMATION: Pub. L. 97-446 established a 1983 quota of 4,800,000 units, 3,000,000 of which could be allocated to Virgin Islands producers, 1,200,000 to Guam producers, and 600,000 to American Samoa producers. Section 5(b) of the appendix to Part 303 set aside 500,000 units of the Guam quota for possible new firms. All of the quota for American Samoa, where there have been no watch producers for several years, has been set aside for new entrants.

The above allocation of quota among Virgin Islands producers reflects: (1) Adjustments made in data supplied on the producer's annual application forms (ITA Form-334P) as a result of the Departments' verification (which adjustments were reviewed by officials of the respective companies during the Departments' Virgin Islands verfication of data); and (2) Reallocation of quota which has been voluntarily relinquished by a number of producers pursuant to § 303.5(a)(2) of the codified watch quota rules. A portion of the Guam quota was also voluntarily relinquished.

The above allocation of Virgin Islands quota totals 2,360,625 units. The remaining 639,375 units of unallocated quota will be treated in accordance with § 303.9(b) of Part 303. The remaining 200,000 units of unallocated Guam quota will be treated in accordance with the same provision and with sections 3(b) and 6 of the appendix to Part 303.

The number of watches and watch movements authorized for shipment on or after January 1, 1983, under initial quotas previously allocated by the Departments, will be applied against the allocations above, which are for the full calendar year 1983.

Pedro A. Sanjuan,

Assistant Secretary for Territorial and International Affairs, Department of the Interior.

Richard M. Seppa,

Director, Statutory Import Programs Staff, Department of Commerce.

[FR Doc. 83-11155 Filed 5-2-83; 8:45 am]

BILLING CODE 4310-10-M 3510-25-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Modification No. 2 to Permit No. 335

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), Permit No. 335 issued to Dr. James R. Gilbert, University of Maine at Orono, Orono, Maine 04469 on May 13, 1981 (46 FR 27514), as modified on February 5, 1982 (47 FR 6317) is further modified as follows:

Section A-1 is changed to read:

Of these, thirty (30) harbor seals of any age may be instrumented with epoxy-attached radio tags, provided that those animals are post-weaning.

This modification becomes effective on April 27, 1983.

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, Northeast Region, 14 Elm Street, Federal Building, Gloucester, Massachusetts 01930.

Dated: April 27, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-11741 Filed 5-2-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Modification

Notice is hereby given that Minerals Management Service, Alaska OCS Region, Anchorage, Alaska requested a modification to Permit No. 263 issued to Bureau of Land Management under the authority of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216) on May 4, 1979.

Mineral Management Services requests authority to take by harassment up to 150 additional bowhead whales in Alaskan and Canadian waters of the Beaufort Sea and to conduct at sea seismic exploration sounds in the presence of the animals.

Concurrent with the publication of this notice in the **Federal Register** the Secretary of Commerce is forwarding copies of this request to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this modification should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, Washington, D.C. 20235, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this request are summaries of those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Documentation pertaining to the above modification request is available for review in the following offices:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.;

Regional Director, National Marine Fisheries Service, Alaska Region, P.O. Box 1668, Juneau, Alaska 99802.

Dated: April 27, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-11742 Filed 5-2-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF COMMERCE

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Technical and licensing information on specific inventions may be obtained by writing to: Office of Government Inventions and Patents, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151.

Please cite the number and title of inventions of interest.

George Kudravetz,

Program Manager, Office of Covenment Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-034,877 (4,376,211) Tris(N-Carbalkoxylaminomethyl)-Phosphine Oxides and Sulfides
SN 6-223,509 (4,377,686) Method of Purifying Fatty Acid Ester Products
SN 6-272,842 (4,376,633) Zwitterion Compounds as Catalysts in Easy-Care Finishing

Department of the Army

SN 6-213,436 (4,378,559) Radar Antenna System

Department of Health and Human Services

SN 6-250,269 (4,377,958) Remotely Operated Microtome
SN 6-350,221 (4,368,326) Short Total Synthesis of Dihydrothebainone, Dihydrocodeinone, and Nordihydrocodeinone

Department of the Interior

SN 6-152,212 (4,377,726) Selective Paging and Intercommunication System
SN 6-156,131 (4,377,410) Chromium Recovery from Superalloy Scrap by Selective Chlorine Leaching
SN 6-219-704 (4,367,950) Combined Aerosol Monitor and Calibrateable Light Ray Scattering Reference Rod
SN 6-229,696 (4,377,209) Thermally Activated Metal Hydride Sensor/Actuator

National Security Agency

SN 6-276,143 (4,375,626) Precise Linear Tuning Circuit

Tennessee Valley Authority

SN 6-021,879 (4,375,980) Production of Suspension Fertilizers from Orthophorphoric Acid

[FR Doc. 83-11711 Filed 5-2-83; 8:45 am]
BILLING CODE 3510-04-M

Intent To Grant Limited Exclusive Patent License; Celltech Ltd.

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant to Celltech Limited, having a place of business in Berkshire, England, a limited exclusive right in selected European countries and Japan to manufacture, use and sell products embodied in the invention, "Human Growth Hormone Produced by Recombinant DNA in Mouse Cells," U.S. Patent Application 6-452, 783 (filed December 23, 1982). The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Commerce.

The proposed exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101-4.1. The proposed license may be granted unless, within sixty days from the date of this Notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151.

Dated: April 19, 1983.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 83-11715 Filed 5-2-83; 8:45 am]
BILLING CODE 3510-04-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Additional Change in the Textile Category System

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Additional change in the Textile Category System.

SUMMARY: The Correlation: Textile and Apparel Categories with the Tariff Schedules of the United States Annotated, provides for placement of Tariff Schedules of the United States, Annotated (T.S.U.S.A.) numbers in the Textile Category System. Amendments to the T.S.U.S.A. reflecting certain administrative changes require amendments to the Correlation. This change is cited below.

Category	New T.S.U.S.A. beginning April 1, 1983
659	Change 703.1515 (man-made fiber headwear not in part of braid, not knit) to 703.1600.

EFFECTIVE DATE: April 1, 1983.

FOR FURTHER INFORMATION CONTACT: Claire McDermott, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: April 28, 1983.

Sincerely,

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-11750 Filed 5-2-83; 8:45 am]
BILLING CODE 3510-25-M

CONSUMER PRODUCT SAFETY COMMISSION

Meeting of Chronic Hazard Advisory Panel on Asbestos

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of meeting.

SUMMARY: A Chronic Hazard Advisory Panel, established by the Commission to provide advice about the potential chronic hazards presented by asbestos in consumer products, has scheduled a meeting which is open to the public.

DATES: The meeting will begin at 9:00 am on May 12, 1983, and will continue until 5:00 pm. The Panel will meet again on May 13, during the same hours.

ADDRESS: The meeting will be at 5401 Westbard Avenue, Bethesda, Maryland, in room 456.

FOR FURTHER INFORMATION CONTACT: Colin B. Church, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6957.

SUPPLEMENTARY INFORMATION: The Chronic Hazard Advisory Panel on Asbestos is a seven-member group which has been established to advise the Commission concerning the potential chronic hazard of cancer associated with the use of consumer products containing asbestos. The Panel, convened in January, 1983, is addressing the concern that the presence of asbestos in consumer products under certain conditions may present a risk of cancer and respiratory disease to consumers.

At its meetings on May 12-13 the Panel will be reviewing working papers proposed by Panel members which might be incorporated into a "Report to the Commission" which is expected in July 1983. It is anticipated that the public will have the opportunity to provide written and oral comments regarding the work of the Panel at a public meeting which will be announced in the Federal Register at a later time.

Dated: April 27, 1983.

Sayde E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 83-11719 Filed 5-2-83; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Deputy Under Secretary for Management invites comments on the proposed information collection requests as required by the Paperwork Reduction Act.

DATE: Interested persons are invited to submit comments on or before June 2, 1983.

ADDRESSEES: Written comments or requests should be addressed to Arnold Strasser, Office of Management and Budget, 726 Jackson Place, NW., Room 3208, New Executive Office Building, Washington, D.C. 20503 and/or Margaret Webster, Department of Education, 400 Maryland Avenue, SW., Room 4074, Switzer Building, Washington, D.C. 20222.

FOR FURTHER INFORMATION CONTACT: William Wooten, (202) 426-7304.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The requirement for public consultation may be amended or waived by OMB to the extent that the public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform the statutory obligations.

The Deputy Under Secretary for Management publishes this notice containing proposed information requests prior to the submission of these requests to the Office of Management and Budget. Public comment is invited and copies of the requests may be obtained from the addressees named above.

Dated: April 26, 1983.

Charles L. Heatherly,

Deputy Under Secretary for Management.

Office of Postsecondary Education (OPSE)

Revisions

Application and Reporting Forms for Graduate Education Programs
ED 591-1
Annually
State or local governments/businesses or other institutions
SIC: 822
Responses: 350; Burden Hours: 8,400
Two forms submitted for approval

Abstract: These forms will be used by institutions of higher education to (1) apply for funds and (2) to report program performance and financial status, as required by statute and program regulations.

Request for Designation as an Eligible Institution, Title III, HEA
ED 1049-6
Annually
Businesses or other institutions
SIC: 502
Responses: 800; Burden Hours: 800
One form submitted for approval

Abstract: This form will be used to determine if an eligible institution of higher education meets the specific program qualifications to receive Title III funds.

Financial Status and Performance Reports—Discretionary Programs, International Education Programs
ED 1294
Annually
Businesses or other institutions
SIC: 502
Responses: 325; Burden Hours: 3,250
One form submitted for approval

Abstract: These forms will provide program performance and financial status data on the International Education programs as required by Department of Education Regulations.

Office of Educational Research and Improvement (OERI)

New

National Assessment of Educational Progress—1983/84 Reading and Writing Assessment
ED 2371-15A; 15BQ; 15/SOQ; 15TQ; 15SC; 15SPQ; 15SSR; 15SLF; 15PQ; 15QC; 15TEQ
Biennially
Individuals or households/businesses or other institutions
SIC: 821
Responses: 58,835; Burden Hours: 12,227
Eleven forms submitted for approval

Abstract: Achievement data, as well as achievement-related information, will be used to monitor changes in student performance over time in the United States. The data will be useful to the public, researchers, legislators and educators.

Revision

Application for Grants Under Strengthening Research Library Resources Program
ED 592
Annually
State or local governments/businesses or other institutions
SIC: 841/941
Responses: 100; Burden Hours: 1,600
One form submitted for approval

Abstract: This form is needed to enable major research libraries to apply annually on a competitive basis and provide the Secretary with sufficient information to determine adherence to program selection criteria.

Extension

Final Financial Status and Performance Report—Title II-A, II-B (Training) and II-C
ED 606; -1; -2
Annually
State or local governments/businesses or other institutions
SIC: 822/823
Responses: 2,400; Burden Hours: 8,400
Three forms submitted for approval

Abstract: These consolidated report forms are used to determine the utilization of grant funds administered by three discretionary grant programs—(HEA II-A) College Library Resources, (HEA II-B) Library Career Training, and (HEA II-C) Strengthening Research Library Resources. A maintenance of effort analysis sheet for II-A is used to confirm compliance with the fiscal requirement.

[FR Doc. 83-11754 Filed 5-2-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Lakeside Refining Co. and Crystal Refining Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, Energy.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department

of Energy (DOE) announces that it has adopted a Consent Order with Lakeside Refining Company and Crystal Refining Company as a final order of the Department.

EFFECTIVE DATE: April 14, 1983.

FOR FURTHER INFORMATION CONTACT:
David H. Jackson, Director, Kansas City Office, Economic Regulatory Administraiton, 324 East 11th Street, Kansas City, Missouri 64106–2466, (816) 374–2092.

SUPPLEMENTARY INFORMATION: On March 1, 1983, 48 FR 8533, the ERA published a notice in the Federal Register that it had executed a proposed Consent Order with Lakeside Refining Company and Crystal Refining Company of Southfield, Michigan, on February 14, 1983 which would not become effective sooner than 30 days after publication of that notice. The Consent Order settles regulatory violations alleged by the Department of Energy (DOE) against those companies concerning both petroleum product price overcharges and purchases and sales of crude oil entitlements during the period August 19, 1973 through January 27, 1981. Under the terms of the Consent Order, the companies will refund $675,000. The Consent Order provides a direct refund of $475,000 to identified purchasers for settlement of disputed price overcharges. The remaining $200,000 plus installment interest, which settles disputes under the crude oil entitlements regulations, is to be paid to the DOE for ultimate distribution in a just and equitable manner.

Pursuant to 10 CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the proposed Consent Order. Five comments were received from State offices. The commenting States suggested that funds not distributed to direct purchasers should be distributed to the States for use in energy related programs.

ERA has considered these comments and notes that the Consent Order does provide for direct restitution to identified purchasers of the settlement amount representing disputed overcharges. However, because appropriate recipients of the funds to be paid in settlement of the entitlements disputes are not as readily discernable, the ERA believes that depositing the funds into a suitable account for ultimate distribution in a just and equitable manner is an appropriate disposition of the funds at this time.

Issued in Kansas City on the 22d day of April 1983.

Robert J. Wehrle-Einhorn,
Office of Special Counsel, Kansas City Office, Economic Regulatory Administration.

[FR Doc. 83-11703 Filed 5-2-83; 8:45 am]
BILLING CODE 6450-01-M

Southwestern Power Administration

[Rate Order SWPA-9]

Order Approving Rates for Submission to the Federal Energy Regulatory Commission

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of power rate order.

SUMMARY: The Assistant Secretary for Conservation and Renewable Energy, under Delegation Order No. 0204–33, as amended, has developed, acting by and through the Administrator, Southwestern Power Administration, increased system power rates and has approved these rates for submission to the Federal Energy Regulatory Commission (FERC) for its confirmation and approval on a final basis.

EFFECTIVE DATE: The increased rate is being submitted to the FERC for confirmation, approval, and placement in effect on a final basis by October 1, 1983.

FOR FURTHER INFORMATION CONTACT:
Walter M. Bowers, Chief, Division of Power Marketing, Southwestern Power Administration, Department of Energy, P.O. Drawer 1619, Tulsa, Oklahoma 74101, (918) 581–7529
and
John J. DiNucci, Office of Power Marketing Coordination, Department of Energy, Federal Building, 12th Street and Pennsylvania Avenue, NW., Washingotn, DC 20585, (202) 633–8336.

SUPPLEMENTARY INFORMATION: Rate Schedule P–4 for peaking power supersedes Rate Schedule P–2. Rate Schedule F–4A for firm power from the integrated system replaces Rate Schedule F–2. Rate Schedule F–4B (firm power through Oklahoma Utilities Companies) replaces Rate Schedule F–3. Rate Schedule EE–2 (Revised) for excess energy replaces Rate Schedule EE–2. Rate Schedule IC–2 (Revised) for interruptible capacity replaces Rate Schedule IC–2.

Issued in Washington, D.C. April 25, 1983.

Joseph J. Tribble,
Assistant Secretary, Conservation and Renewable Energy.
April 25, 1983

Pursuant to Sections 302(a) and 301(b) of the Department of Energy Organization Act, Pub. L. 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under Section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, relating to the Southwestern Power Administration (SWPA) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–33, effective January 1, 1979, 43 FR 60636 (December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrator, and to confirm, approve and place in effect such rates on an interim basis and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204–33 was amended, effective March 19, 1981, to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy. This rate order is issued pursuant to the delegation to the Assistant Secretary for Conservation and Renewable Energy.

Background

Federal Energy Regulatory Commission (FERC) confirmation and approval of the following system rate schedules was provided in FERC Docket No. EF79–4011–000 issued January 25, 1982 for the period April 1, 1979 through September 30, 1982:

Rate Schedule P–3, Peaking Power
Rate Schedule F–2, Firm Power
Rate Schedule F–3, Firm Power through Oklahoma Utility Companies
Rate Schedule EE–2, Excess Energy
Rate Schedule IC–2, Interruptible Capacity
Contract No. 14–02–001–864, Section 2, Tex-La Electric Cooperative, Inc.

A request for extension of these rates through September 30, 1983 was filed with the FERC July 27, 1982. Confirmation and approval of the rates was extended by the FERC on September 30, 1982 for the period ending October 30, 1982; extended on October 29, 1982 for the period ending November 29, 1982; extended on November 29, 1982 for the period ending January 28, 1983; extended on January 27, 1983 for the period ending February 28, 1983; and

extended on February 25, 1983 for the period ending September 30, 1983.

SWPA's 1982 Current and Revised Power Repayment Studies indicate that the existing rates will not satisfy present financial criteria regarding repayment of investment in a 50-year period. The Power Repayment Studies indicate that an increase in average annual revenue from the Integrated System is necessary beginning in FY 1984 to accomplish System repayment in the required number of years. Accordingly, SWPA developed proposed system rate schedules in the 1982 Rate Design Study based on the additional revenue requirement. The proposed system rate schedules were as follows:

Rate Schedule P–3 (Revised), Peaking Power
Rate Schedule F–2 (Revised), Firm Power
Rate Schedule F–3 (Revised), Firm Power through Oklahoma Utility Companies
Rate Schedule EE–2 (Revised), Excess Energy
Rate Schedule IC–2 (Revised), Interruptible Capacity

The rate under Section 2 of Contract No. 14–02–001–864, for Tex-La Electric Cooperative, Inc., is allowed by contract terms to change no more often than once every five years.

Since the rate was increased April 1, 1979, the next change cannot be made until April 1, 1984. Therefore, SWPA proposes to continue charging the existing rate through the contract five-year period at which time a rate adjustment may be filed.

Title 10, Part 903, Subpart A of the Code of Federal Regulations, "Procedures for Public Participation in Power and Transmission Rate Adjustments," has been followed in connection with the proposed rate adjustment. More specifically, opportunities for public review and comment on proposed system power rates were announced by notice published in the Federal Register, September 30, 1982 (47 FR 43157). A Public Information Forum was held October 26, 1982, and a Public Comment Forum was held December 1, 1982. Written comments were due by December 29, 1982. During the comment period, interested parties reviewed SWPA's studies designed to produce an average annual revenue increase of $24,734,000, or 37.9 percent. In addition and prior to the formal public participation process, SWPA held informal meetings with customer groups during preparation of the September 1982 Current and Revised Power Repayment Studies and Rate Design Study. SWPA personnel met informally with representatives of the Committee on Power for the Southwest (COPSW) on the following dates at SWPA headquarters in Tulsa, Oklahoma, to explain the studies and answer questions concerning development of the proposed system rates: February 26, 1982; March 23, 1982; March 24, 1982; May 13, 1982; June 30, 1982; and August 25, 1982. Also, on April 1, 1982, SWPA personnel met with COPSW representatives and personnel of the U.S. Corps of Engineers (Corps) at the Dallas Division Office to discuss Corps operation and maintenance expense projections and estimates of major project replacement costs.

Following the conclusion of the comment period the Administrator in January 1983 modified the 1982 Power Repayment and Rate Design Studies and the proposed Rate Schedules based on comments received. An Administrator's Record of Decision and Executive Summary also were released. The proposed rate schedules resulting from these changes are designed to produce ultimate average annual revenue of $90.2 million, which is an increase of 38.3 percent over the revenue produced by the existing rates of $65.2 million.

A comparison of the existing rates and the rates proposed by the Administrator is shown below:

	Rates	
	Existing	Proposed
CAPACITY		
a. At Grid Includ. 138/161kV [1]	1.40	[3] 2.22
b. At 69 kV [1]	1.60	[3] 2.47
c. At Below 69 kV [1]	1.95	[3] 2.97
d. Interruptible Capacity [2]	0.05	0.075
ENERGY (mills per kilowatt hour):		
a. First 100 hrs/mo	3.5	[4] 3.5
b. Next 340 hrs/mo	7.0	[4] 3.5
c. Over 440 hrs/mo	14.0	[4] 3.5
d. Excess Energy	3.0	3.5
e. Interruptible Capacity	3.5	3.5

[1] Dollars per kilowatt per month.
[2] Until Clarence Cannon becomes operational in FY 85, the proposed capacity rate will be $0.04 lower.
[3] Dollars per kilowatt per day.
[4] Plus purchased power adjustment for peaking (P–3, F–3) 2.0 mills/kWh in average year and from firm (F–2) 4.0 mills/mWh in average year.

On March 30, 1983 the Administrator and I met with representatives of the Committee on Power for the Southwest who restated their principal objections previously expressed in the record to the repayment studies and rate design features.

Disucssion

Purchased Power Expenses and the No-Deficit-Year Objective

Congress has established two basic requirements for judging the adequacy of rates for the sale of Federal power: First, that each increment of investment should be repaid with interest within a reasonable period of years, normally considered to be fifty years; and second, that annual operating costs should be recovered on a pay-as-you-go basis. See DOE Order RA 6120.2, paragraph 12; Solicitor's Opinion M–36874, 81 I.D. 72 (1974).

Over the years the Southwestern Power Administration has not been very successful in meeting either of these criteria. The 1982 Power Repayment Study, page E–6, columns 6 and 10, shows that during the first 38 years of its operations SWPA had a deficit, that is, failed to recover all operating expenses including interest, in 18 of those years; and that at end of the 38th year, 1981, SWPA had repaid only $28.9 million out of a total investment of $655.5 million.

Beginning in 1970 Southwestern has undertaken a number of actions to improve the agency's financial position through the revision of rates and contracts and the reduction of expenses. These actions have produced positive results and would have led to steady financial improvement had it not been for a number of adverse developments including unfavorable litigation, unexpectedly high rates of inflation, operating problems, and two unusually dry years, 1977 and 1981.

The Administrator of Southwestern is properly concerned about the continued inability of the agency to eliminate operating deficits in fact even though rate studies eliminate them in theory. To achieve this objective he has taken a number of worthwhile steps: He is continuing the policy of allowing all firm (load factor) power sales contracts to expire and to replace them with peaking power contracts obligating SWPA to supply only 1200 kilowatthours per kilowatt in a dry year; in his rate design study he has increased the capacity component of the rates relative to the energy component by more accurately assigning fixed and variable expenses, thereby assuring more consistent recovery of costs, particularly in dry years; and he has reevaluated estimates of future revenues and expenses in the power repayment study to assure adequate cost recovery. In addition he proposed to include in the new rates a feature for passing through to the customers on a three-month rolling average basis the actual direct purchased power expenses as they are incurred.

This would remove the fluctuating purchased power costs from impacting the net result shown on the annual financial statement and in column 6 of the historical portion of the current

power repayment study. This impact is illustrated by a comparison of the estimates in the 1978 power repayment study, upon which the 1979 rate increases were based, for the five-year period 1978–1982 with the actual results during this period. These results are shown on page A–11 of the 1982 study. The table shows for this five-year period that gross revenues were overestimated by $11.7 million and that, although Corps O&M expense and Corps and SWPA interest expense were overestimated by $.3 million and $3.4 million respectively, SWPA operating expense was underestimated by $18.4 million. The net result was that amortization was overestimated by $26.4 million (not to mention the adjustment of an additional $18.8 million reduction in amortization shown in column 6, page E–6, and referenced in footnote 1). This is an average overestimation of $5.3 million a year.

A comparison of the direct purchased power expenses forecast in the 1978 repayment study with the actual expenses during the 1978–1982 period set forth in the following table shows that $13.8 million of the $26.4 million shortfall, or about 52 percent, was attributable to higher-than-anticipated purchased power expense. Borderline purchased power costs are not shown in the table because they are billed on a passthrough basis, so revenues increase as costs increase, and the net effect on amortization is zero.

COMPARISON OF PREVIOUS FORECASTS OF PURCHASED POWER EXPENSE TO ACTUAL PERFORMANCE FOR PERIOD FISCAL YEAR 1978–1982

Year	Previous forecast[1]		Actual performance[2]		Total
	Direct	Net adjustment for banking	Direct	Net adjustment for banking	
	(1)	(2)	(3)	(4)	(5)
1978	$2,699,400	0	$3,066,563	($874,254)	$2,192,309
1979	3,248,000	0	7,096,052	0	7,096,052
1980	4,296,800	0	2,300,705	1,337,803	3,638,508
1981	4,950,100	0	15,062,681	4,443,992	19,506,673
1982	5,392,300	0	1,914,852	[3]0	1,914,852
Total	20,586,600	0	29,440,853	4,907,541	34,348,394

Difference: Column 1 minus Column 5: ($13,761,794).

[1] Source: 1978 Revised PRS, pp. 36–40.
[2] Source: SWPA.
[3] Estimate.

The customers have objected to the proposed purchase power passthrough feature of the rate design of substantial fluctuations from month to month and year to year in their bills for SWPA power and because of potential difficulty in revising their resale rates in a timely manner to avoid cash flow problems. The Administrator and I are sympathetic to these complaints. The question is whether SWPA or the preference customers are to bear the large swings in purchased power expense attributable to variable rainfall and streamflow which will continue to cause large fluctuations in the amount of hydro energy that SWPA can generate. We are willing to have the Government absorb these swings in purchased power expense if an appropriate ratemaking policy can be established which will segregate direct purchased power expense and the revenue to pay it from the other elements of the ratemaking process and if an appropriate accounting methodology can be utilized which reflects these principles in the financial statements and power repayment studies.

Fluctuation in annual rainfall is a certainty in the Southwest. Recorded hydrologic history provides a reasonable basis for estimating the frequency of annual run-offs at different levels of magnitude, and therefore the frequency of purchased power expense at different levels of magnitude. This information in turn permits reasonable estimates of the revenues necessary to cover the purchased power expense over a period of years. It therefore is possible and proper, as a ratemaking principle, to match designated purchased power revenues to meet these actual purchased power expenses incurred over an appropriate period of time. The needed revenues can be designated as a separate component of the energy charge in the rate schedule. The 1982 Power Repayment and Rate Design Studies show that this energy charge would be 2 mills per kilowatthour for the Peaking Energy sold under the proposed Rate Schedule P–3 (Revised) and the "Federal energy" component of the Federally generated Firm Energy sold to the Oklahoma Utility customers under the proposed Rate Schedule F–3 (Revised), and 5 mills per kilowatthour for the Firm Energy sold under the proposed Rate Schedule F–2 (Revised). This component would be substituted for the passthrough adjustment now contained in those rate schedules.

We believe that the newly adopted Statement of Financial Accounting Standards No. 71 [1] provides a basis for an accounting which tracks this ratemaking principle. The Statement applies, as noted in paragraph 5, to an enterprise (a) whose rates for regulated services or products provided to its customers are established by or are subject to approval by an independent, third-party regulator or by its own governing board empowered by statute or contract to establish rates that bind customers; (b) whose rates are designed to recover its costs of providing the regulated services or products; and (c) when it is reasonable to assume that rates set at levels that will recover the enterprise's costs can be charged to and collected from customers. SWPA's rates meet each of these tests: They are subject to final approval by the independent, third-party, Federal Energy Regulatory Commission, and they may be put into effect on an interim basis by the Assistant Secretary, who for this purpose is equivalent to the governing board.[2] As provided in Section 5 of the Flood Control Act of 1944, the rates are designed to recover the Government's costs. Lastly, there is not reason to doubt that the rates will not continue to be below the rates for alternative sources of power.

If the actual purchased power expense during the year is less than the revenues attributable to the purchased power component in the rate schedules, paragraph 11.b of the Statement permits crediting the excess to a deferred credit account similar to a liability account or an acccount payable. If the actual expense is greater than the revenues from the component, paragraph 9 and footnote 2 of the Statement permit the

[1] Although Statement 71 is new, the accounting principles it adopts have been recognized for some time. For example, the Accounting Principles Board (APB) adopted a statement in 1962 on "Accounting principles for regulated industries" which stated in part that "if a cost incurred by a regulated business during a given period is treated for rate-making purposes by the regulatory authority having jurisidiction as applicable to future revenues, it may be deferred in the balance sheet at the end of the current period and written off in the future period or periods in which the related revenue accrues. * * *" The Journal of Accountancy, December 1962, at page 67.

[2] The Financial Accounting Standards Board included the reference to the governing board of the enterprise so as not to preclude application by government utilities with rates set by their own governing board. See paragraph 64.

excess to be debited to a deferred or capitalized cost account similar to an asset account or an account receivable (a) where it is probable that future revenue at least equal to the deferred or capitalized cost will result from inclusion of that cost in allowable costs for ratemaking purposes, and (b) where, based on available evidence, the future revenue will be provided to permit recovery of the previously incurred cost rather than to provide for expected levels of similar future costs. Both conditions are satisfied here.

Subject to the approval of the FERC, we propose that two accounts be established, the first, a Deferred Credit for Purchased Power Account, the other a Deferred Cost for Purchased Power Account. Whichever account has a balance at the time will be credited with any excess of direct purchased power receipts over direct purchased power expense each year or debited to the extent of any deficit. The appropriate account also will be credited or debited with the net adjustment for banking. Depending on the sequence of low or high purchased power years, either account might at any time show a balance. The annual statement of revenues and expenses will always show that purchased power revenues and expenses are the same amount.

It will be necessary to monitor these accounts carefully. The purchased power component of the rates will be changed as necessary so that these revenues equal purchased power costs over an appropriate period of time. It will be possible to make these changes whenever rates are revised. To protect the financial interests of the Government it may be necessary to adjust the rate component on the basis of recent hydrologic experience rather than on the basis of the entire period over which hydrologic data is available. That is, if the deferred cost balance is high and it appears that SWPA is in an extended dry cycle or period of high depletion, the rate component may be increased; conversely, if the deferred credit balance is high and it appears that SWPA is in an extended wet cycle or period of low depletion, the rate component may be decreased.

We propose that the Deferred Credit account be established for fiscal year 1983. The purchased power component of receipts for this year is that which was the basis for the current rates, namely, $5,392,300, as shown on pages 40 and 41 of the 1978 PRS for direct purchased power expense. We assume that the borderline purchases and expenses are a wash, and therefore would not be included in the account.

The purchased power component will be separately identified in the rate schedules. Attached hereto are Rate Schedules F–4A (firm power, integrated system), F–4B (firm power, Oklahoma Utility Customers) and P–4 (peaking power) including the purchased power components of 5 mills in F–4A and 2 mills in F–4B and P–4. These are approved as substitutes for Rate Schedules F–2 (Revised), F–3 (Revised) and P–3 (Revised).

Estimates of Future Corps O&M Expense

The estimates included in SWPA's Power Repayment Studies for Corps of Engineers Operation and Maintenance (O&M) expenses have been criticized as excessive because they appear to be based on inflation factors exceeding the Government's own projections of inflation, and because they appear to be derived in a manner inconsistent with both SWPA's own GA&O and O&M expense projections and the Bonneville Power Administration's (BPA) O&M expense projections.

SWPA's estimates of Corps O&M expenses for the cost evaluation period are provided by the Corps and are based on a methodology which is intended to predict the total level of costs expected rather than predicting future costs at today's prices and adjusting for inflation. This methodology, while differing slightly in style from that used by SWPA in its estimates and by BPA to project O&M costs, does not appear to produce different results. Inherent in the Corps' estimates are components of both future inflation and anticipated levels of maintenance and operations, as has been documented both by SWPA in its responses to customer comments, and by the Corps in its responses to SWPA regarding justification for its O&M estimates. The Corps' method does not, however, segregate the rates of increase into components of inflation and levels of cost expected, but rather, incorporates both elements into a single rate of change percentage.

The Corps' approach does not appear inconsistent with the BPA method which adjusts increasing levels of O&M costs by anticipated inflation. Thus, the BPA study predicts unescalated total O&M cost increases of some 8.17 percent between FY 1982 and FY 1983 based on FY 1981 price levels. The unescalated figures were then further adjusted by use of the GNP Deflators to account for anticipated inflation. In fact, to adjust the 1981 price levels to 1983 levels the GNP deflators were compounded for both 1982 and 1983. The overall increase including inflation between 1982 and 1983 is some 26.4 percent.

The Corps' approach also is consistent with the SWPA approach. As stated by SWPA in its responses to customer comments, SWPA's estimates of its own system costs, both O&M and purchased power, are not based only on increases resulting from inflation, but also incorporate increasing levels of cost in excess of inflation. For the transmission system O&M, these levels of cost will increase substantially with increasing maintenance of the aging transmission system. As SWPA has pointed out, the actual levels of cost recently experienced are projected in the Power Repayment Study to increase at a rate of some 10 percent through fiscal year 1986, very comparable to the rate of increase predicted by the Corps in its estimates.

Page A–11 of the 1982 Power Repayment Study shows that the previous Corps estimate of O&M expense for the 1978–1982 period was extremely accurate, exceeding the actual by only .42 percent. In view of this recent demonstration of the accuracy of the Corps in predicting its future O&M estimates and the Corps' continued use of the same methodology and criteria upon which it based its previous estimates, it appears the estimates of future Corps O&M costs are reasonable, and there is no rational basis in the record for concluding otherwise.

Other Issues

Other repayment and rate design issues are discussed in the Administrator's Record of Decision.

Availability of Information

Information regarding this rate adjustment including studies, comments, transcripts, and other supporting material are available for public review in the offices of the Southwestern Power Administration, 333 W. 4th, Tulsa, Oklahoma 74101 and in the Office of the Director of Power Marketing Coordination, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Submission to the FERC; Effective Date

As explained by the Administrator in his Record of Decision, because of the pendency of unresolved litigation in the Claims Court, he proposed that the rates involved in this proceeding not be placed into effect on an interim basis, but that they be placed in effect upon confirmation and approval by the FERC on a final basis. The power repayment study is based upon the assumption that

they will be in effect beginning October 1, 1983.

Accordingly, the rates are not being placed into effect on an interim basis at this time but are approved for submission to the FERC for confirmation, approval and effectuation on a final basis, subject to further review of the matter if action by the FERC is delayed.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby approve the following Rate Schedules and Contract Rate for submission to the Federal Energy Regulatory Commission for confirmation, approval and placement in effect on a final basis to replace the rate schedules and contract rate named:

Service	Rate	Superseded rate
Peaking Power	P-4	P-3.
Firm Power from Integrated System.	F-4A	F-2.
Firm Power through Oklahoma Utility Companies.	F-4B	F-3.
Excess Energy	EE-2 (Revised)	EE-2.
Interruptible Capacity	IC-2 (Revised)	IC-2.
Contract No. 14-02-001-864, Section 2 Tex-La Electric Coop. (through TP&L).	1979 Contract Rate.	1979 Contract Rate.

Issued at Washington, D.C. this 25th day of April, 1983.

Joseph J. Tribble,

Assistant Secretary for Conservation and Renewable Energy.

Rate Schedule P-4 [1]

Wholsale Rates for Hydro Peaking Power and Seasonal Peaking Power

Effective:

During the period extending from October 1, 1983 to September 30, 1986, in accordance with the Order of the Federal Energy Regulatory Commission issued ———, (Docket No. ———).

Available:

In the marketing area of Southwestern Power Administration (SWPA), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Applicable:

To wholesale power customers purchasing Hydro and/or Seasonal Peaking Power and Peaking Energy.

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 hertz, at the nominal voltage and points of delivery, and in such quantities as specified by contract.

Energy Associated with Hydro and/or Seasonal Peaking Power:

Peaking Energy:

A minimum of 1,200 kilowatt-hours of Peaking Energy per kilowatt of Hydro Peaking and/or Seasonal Peaking Power will be furnished during each contract year.

Supplemental Peaking Energy:

Supplemental Peaking Energy (in addition to Peaking Energy) will be furnished if and when determined by SWPA to be available.

A quantity of Hydro and/or Seasonal Peaking Power without associated Peaking Energy may be purchased on a month-to-month basis for use in scheduling Supplemental Peaking Energy, if determined by SWPA to be available.

Monthly Rates:

Capacity Charge:

(a) During the period until the first day of the month following the date the first power generating unit at the Clarence Cannon Dam is placed in commercial operation, the capacity charge shall be: $2.18 per kilowatt of Peaking Billing Demand.

(b) Commencing on the first day of the month following the date the first power generating unit at the Clarence Cannon Dam is placed in commercial operation, the capacity charge shall be: $2.22 per kilowatt of Peaking Billing Demand.

Energy Charge:

(a) $0.0035 per kilowatt-hour of Peaking Energy and Supplemental Peaking Energy; plus,

(b) A purchased power adjustment of $0.002 per kilowatt-hour of Peaking Energy.

This adjustment does not apply to:

1. Sales under rates specified by contract, where the contract limits the dollar amount of a rate adjustment (Contract Rates); or,

2. Sales to any customer which, by contract, has assumed the obligation to supply energy to fulfill the minimum of 1200 kilowatt-hours of Peaking Energy per kilowatt of Peaking Power during a contract year (Contract Support Arrangements).

Capacity Charge Adjustments for Conditions of Service:

(a) A charge of $0.25 per month per kilowatt of Peaking Billing Demand will be added to the total monthly charge for Hydro and/or Seasonal Peaking Power Service if delivery of such power and energy is made at 69 kilovolts where SWPA has provided for such service from higher voltage, or

(b) A charge of $0.75 per month per kilowatt of Peaking Billing Demand will be added to the total monthly charge for Hydro and/or Seasonal Peaking Power service if delivery of such power and energy is made at low or intermediate voltages (less than 69 kilovolts) where SWPA has provided for such service from higher voltage, and

(c) A customer which receives Hydro and/or Seasonal Peaking Power at two or more delivery voltages will be charged the adjustment associated with the lower voltage, provided, however, that such charge shall not apply to the number of kilowatts of Peaking Billing Demand which exceed the Peaking Actual Demand recorded at the lower voltage for a particular month or for the preceding eleven months.

Billing for Unauthorized Overrun:

For each billing period during which there is a violation involving an unauthorized overrun of SWPA's capacity and/or energy obligation, such capacity overrun shall be billed and paid for at twelve times the above capacity rate adjusted for conditions of service and such energy overrun shall be billed and paid for at eleven times the rate for Peaking Energy set forth in (a), above.

Minimum Bill:

The minimum bill each month is the Peaking Contract Demand times the Capacity charge adjusted for conditions of service, plus minimum contract energy requirements.

Peaking Actual Demand:

The term "Peaking Actual Demand" for any month means the maximum rate in kilowatts that electric energy is delivered by SWPA to the customer during any 60-minute period of such month.

Peaking Contract Demand:

The term "Peaking Contract Demand" means the maximum rate in kilowatts which SWPA is, by contract, obligated to deliver Peaking Energy during any 60-minute period of any month.

Peaking Billing Demand:

Except as otherwise provided by contract, the "Peaking Billing Demand" each month means the "Peaking Contract Demand."

Adjustment for Reduction in Service:

If during any month the quantity of Hydro and/or Seasonal Peaking Power scheduled for delivery is reduced by SWPA for a period or periods of not less than two consecutive hours by reason of an outage caused by either an uncontrollable force, or the installation, maintenance, or replacement of equipment, the customer's capacity charge for such month will be reduced for each such reduction in service by an amount computed under the formula:

$$R = \frac{C \times K \times H}{100}$$

with the factors defined as follows:

R = the amount of reduction in the monthly capacity charge for a particular reduction of not less than two consecutive hours during any month, except that the total amount of any such reduction in the capacity charge for any month shall not be greater than the product of the capacity charge times the Peaking Contract Demand.

C = the capacity charge plus applicable adjustment for conditions of service for Hydro and/or Seasonal Peaking Power for such month.

K = the number of kilowatts of such particular reduction in Hydro and/or Seasonal Peaking Power.

H = the number of hours of such particular reduction.

Revised Schedule F-4A [1]

Wholesale Rates for Firm Power (Customers From SWPA Integrated System)

Effective:

During the period extending from October 1, 1983, to September 30, 1986, in accordance with the Order of the Federal Energy

[1] Supersedes Rate Schedule P-3.

[1] Supersedes Rate Schedule F-2 for customers receiving Firm Power and Firm Energy from the system of SWPA.

Regulatory Commission issued ——— (Docket No ———).

Available:

In the marketing area of Southwestern Power Administration (SWPA), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Applicable:

To wholesale power customers purchasing Firm Power and Firm Energy at points of delivery from the transmission lines or facilities owned and operated by SWPA or which are defined by contract with the customer as part of the system of SWPA (SWPA Integrated System).

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 hertz, at the nominal voltage and points of delivery, and in such quantities as specified by contract (Firm Contract Demand). All power requirements, other than peaking power from SWPA, which exceed the Firm Contract Demand shall be obtained from a source of power supply other than SWPA.

Energy Associated with Firm Power:

1. SWPA will furnish Firm Energy to a customer which has no alternative source of power supply, and which does not purchase peaking power and energy from SWPA, in such quantities as the customer requires to fulfill its system load requirements.

2. SWPA will during each billing period furnish Firm Energy to a customer which has an alternative source of power supply and/or which purchases peaking power and energy from SWPA, in such manner as to parallel the load factor and load pattern of such customer's system load. The quantity of Firm Energy during each billing period shall be computed under the formula

$$FE = \frac{FCD}{MAD} \times E$$

with the factors defined as follows:

FE = the maximum number of kilowatt-hours of Firm Energy which SWPA is obligated to furnish and deliver to a particular customer during any billing period.

FCD = such customer's Firm Contract Demand.

MAD = such customer's system maximum 30-minute integrated demand during the preceding twelve months.

E = such customer's total system energy use during such billing period.

Monthly Rates:

Capacity Charge:

(a) During the period until the first day of the month following the date the first power generating unit at the Clarence Cannon Dam is placed in commercial operation, the capacity charge shall be: $2.18 per kilowatt of Firm Billing Demand.

(b) Commencing on the first day of the month following the date the first power generating unit at the Clarence Cannon Dam is placed in commercial operation, the capacity charge shall be: $2.22 per kilowatt of Firm Billing Demand.

Energy Charge:

(a) $0.0035 per kilowatt-hour of Firm Energy; plus,

(b) A purchased power adjustment of $0.005 per kilowatt-hour of Firm Energy.

This adjustment does not apply to:

1. Sales under rates specified by contract where the contract limits the dollar amount of a rate adjustment (Contract Rates); or,

2. Sales to any customer which, by contract, has assumed the obligation to supply energy to fulfill the minimum of 1,200 kilowatt hours of Peaking Energy per kilowatt of Peaking Power during a contract year (Contract Support Arrangements).

Capacity Charge Adjustments for Conditions of Service:

(a) A charge of $0.25 per month per kilowatt of Firm Billing Demand will be added to the total monthly charge for Firm Power service if delivery of such power and energy is made at 69 kilovolts where SWPA has provided for such service from higher voltage, or

(b) A charge of $0.75 per month per kilowatt of Firm Billing Demand will be added to the total monthly charge for Firm Power service if delivery of such power and energy is made at low or intermediate voltages (less than 69 kilovolts) where SWPA has provided for such service from higher voltage, and

(c) A customer which receives Firm Power and Firm Energy at two or more delivery voltages will be charged the adjustment associated with the lower voltage, provided, however, that such charge shall not apply to the number of kilowatts of Firm Billing Demand which exceed the Firm Actual Demand recorded at the lower voltage for a particular month or for the preceding eleven months.

Billing for Unauthorized Overrun:

For each billing period in which there is a violation involving an unauthorized overrun of SWPA's capacity and/or energy obligation, such capacity overrun shall be billed and paid for at eleven times the above capacity rate adjusted for conditions of service, and such energy overrun shall be billed and paid for at eleven times the rate set forth in (a), above.

Adjustment for Power Factor:

The customer will be required to maintain an average power factor at each point of delivery of not less than 95 percent (95%) lagging. Such average power factor will be determined at intervals or continuously at the option of SWPA and will be based upon measured quantities of kilowatt-hours and reactive kilovolt-ampere-hours during the 30-minute period of the customer's maximum rate of use of energy at each particular point of delivery during the month.

The average power factor during any month shall be computed under the formula

$$APF = \frac{KWH \times 100}{\sqrt{KWH^2 + RKVAH^2}}$$

with the factors defined as follows:

APF = the average power factor (in percentage) during any 30-minute period during any particular month.

KWH = the quantity of Energy delivered during the 30-minute period of the customer's maximum rate of use of energy at a particular point of delivery during such month.

RKVAH = the quantity of reactive kilovolt-ampere-hours (lagging) furnished at such particular point of delivery coincidental with factor KWH during the month.

For each 1 percent (1%), or major fraction thereof, by which the customer's average power factor is less than 95 percent, the customer's monthly bill for Firm Power will be increased by 1 percent (1%). Where a customer has more than one point of delivery, the lowest average power factor will determine such increase.

Minimum Bill:

The minimum bill each month shall be the Firm Contract Demand times the Capacity Charge adjusted for conditions of service.

Firm Actual Demand:

The term "Firm Actual Demand" for any month means the maximum coincidental 30-minute integrated demand recorded or computed by contract formula for such month.

Firm Contract Demand:

The term "Firm Contract Demand" means the maximum rate in kilowatts which SWPA is by contract obligated to deliver Firm Energy during any 30-minute period of any billing period.

Firm Billing Demand:

Unless otherwise provided by contract, the term "Firm Billing Demand" for any month means either the "Firm Contract Demand", or the "Firm Actual Demand", whichever is greater.

Adjustment for Reduction in Service:

If during any month SWPA is unable to fulfill its contract commitment to delivery Firm Power and Firm Energy for a period or periods of not less than two consecutive hours by reason of an outage caused by either an uncontrollable force, or the installation, maintenance, or replacement of equipment, the customer's capacity charge for such month will be reduced for each such reduction in service by an amount computed under the formula—

$$R = \frac{C \times K \times H}{TH}$$

with the factors defnined as follows:

R = the amount of reduction in the monthly capacity charge for a particular reduction of not less than two consecutive hours during any month, except that the total amount of any such reduction in the capacity charge for any month shall not be greater than the product of the capacity charge times the Firm Contract Demand.

C = the capacity charges plus applicable adjustments for conditions of service for Firm Power for such month.

K = the number of kilowatts of such particular reduction in Firm Power.

H = the number of hours of such particular reduction.
TH = the total number of hours in such month.

Rate Schedule F-4B [1]

Wholesale Rates for Firm Power (Customers thru Oklahoma Utility Companies)

Effective:

During the period extending from October 1, 1983, to September 30, 1986, in accordance with the Order of the Federal Energy Regulatory Commission issued ——— (Docket No. ———).

Available:

In the marketing area of Southwestern Power Administration (SWPA), and the service areas of the Public Service Company of Oklahoma and Oklahoma Gas and Electric Company (Oklahoma Utility Companies), described generally as the States of Arkansas and Oklahoma.

Applicable:

To wholesale power customers purchasing Firm Power and Firm Energy from SWPA (SWPA-Customer Contract) at points of delivery on transmission facilities owned by the Oklahoma Utility Companies which Companies have contracted with SWPA to deliver power and energy for the account of SWPA.

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 hertz, at the nominal voltage and points of delivery, and in such quantities as specified in the SWPA-Customer Contract (Contract Demand). All power requirements which exceed the Contract Demand shall be obtained from a source of power supply other than SWPA.

Energy Associated with Firm Power:

1. SWPA will furnish Firm Energy to a customer purchasing such energy from SWPA from the system of the Oklahoma Utility Companies in such quantities as may be required to fulfill its system load requirements.

2. Where a customer has an alternative source of power supply, SWPA shall furnish each month the number of kilowatt-hours of Firm Energy as specified in the SWPA-Customer Contract.

Monthly Rates:

Capacity Charge:

(a) During the period until the first day of the month following the date the first power generating unit at the Clarence Cannon Dam is placed in commercial operation, the capacity charge shall be: $2.93 per kilowatt of Billing Demand.

(b) Commencing on the first day of the month following the date the first power generating unit at the Clarence Cannon Dam is placed in commercial operation, the capacity charge shall be: $2.97 per kilowatt of Billing Demand.

Energy Charge:

(i) $0.0035 per kilowatt-hour for federally generated Firm Energy; plus.

(ii) A purchased power adjustment of $0.002 per kilowatt-hour of "Federal Energy" (defined as 1200 kilowatt-hours of energy per kilowatt of capacity during each contract year) delivered by SWPA to the Companies during such month; plus.

(iii) An amount in dollars equal to the actual cost to SWPA, of thermal-generated energy purchased by SWPA from the Oklahoma Utility Companies specifically for service to the customer.

Adjustment for Power Factor:

The customer will be required to maintain an average power factor at each point of delivery of not less than 95 percent (95%) lagging. Such average power factor will be that as defined and computed under the SWPA-Customer Contract.

For each 1 percent (1%), or major fraction thereof, by which the customer's average power factor is less than 95 percent (95%), the customer's monthly bill for Firm Power will be increased by 1 percent (1%). Where a customer has more than one point of delivery, the lowest average power factor will determine such increase.

Actual Demand:

The "Actual Demand" will be for any month the number of kilowatts equal to the sum of the highest 30-minute integrated demands recorded during such month at the point or points of delivery.

Contract Demand:

The "Contract Demand" will be for any month the highest 30-minute integrated demand in kilowatts at which SWPA is obligated during such month to cause energy to be delivered to the customer.

Billing Demand:

1. The "Billing Demand" for any month during the period when the system load requirements of the customer are fulfilled by power and energy purchased from SWPA will be either the "Contract Demand" or the "Actual Demand", whichever is greater.

2. The "Billing Demand" for any month during the period on and after the date when the system load requirements of the customer are fulfilled by power and energy from SWPA and from a source of power supply other than SWPA, will be the "Contract Demand".

Adjustment for Reduction in Service:

If during any month SWPA is unable to fulfill its contract requirement to deliver Firm Power and Firm Energy for a period or periods of not less than two consecutive hours by reason of an outage caused by either an uncontrollable force, or the installation, maintenance, or replacement of equipment, the customer's capacity charge for such month will be reduced for each such reduction in service by an amount computed under the formula–

$$R = \frac{C \times K \times H}{TH}$$

with the factors defined as follows:

R = the amount of reduction in the monthly capacity charge for a particular reduction of not less than two consecutive hours during any month, except that the total amount of any such reduction in the capacity charge for any month shall not be greater than the product of the capacity charge times the Firm Contract Demand.
C = the capacity charges for such month.
K = the number of kilowatts of such particular reduction in Firm Power.
H = the number of hours of such particular reduction.
TH = the total number of hours in such month.

Rate Schedule IC-2 (Revised) [1]

Wholesale Rates for Interruptible Capacity

Effective:

During the period extending from October 1, 1983, to September 30, 1986, in accordance with the Order of the Federal Energy Regulatory Commission issued ——— (Docket No. ———).

Available:

In the marketing area of Southwestern Power Administration (SWPA), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Applicable:

To wholesale power customers purchasing Interruptible Capacity which is received by the customer at points of delivery from transmission lines or facilities owned and operated by SWPA.

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 hertz, at the nominal voltage and points of delivery, and in such quantities as specified by contract.

Energy Associated with Interruptible Capacity:

Energy associated with Interruptible Capacity will be furnished by SWPA at such times and in such amounts as SWPA determines to be available.

Daily Rate:

Capacity Charge: $0.075 per kilowatt of Interruptible Billing Demand.

Energy Charge: $0.0035 per kilowatt-hour.

Interruptible Billing Demand:

The term "Interruptible Billing Demand" for any day means an amount equal to either:

1. the maximum rate in kilowatt which SWPA is obligated to deliver energy associated with interruptible capacity or the greatest 30-minute integrated demand recorded during such day, whichever is greater, if the customer scheduled and received only interruptible capacity from the Government during such day, or

2. the maximum rate in kilowatts for the delivery of energy associated with interruptible capacity scheduled during such day, if the customer scheduled and received firm or peaking power capacity from the Government during such day, or the maximum rate in kilowatts which SWPA is obligated to deliver energy associated with interruptible capacity, whichever is greater.

Energy Sale or Exchange:

At the option of SWPA, energy associated with Interruptible Capacity purchased by a customer shall be either:

(i) Paid for at the energy charge, or

[1] Supersedes Rate Schedule F-3 for customers receiving Firm Power and Firm Energy from transmission facilities owned by the Oklahoma Utility Companies.

[1] Supersedes Rate Schedule IC-2

(ii) Returned to SWPA, kilowatt-hour for kilowatt-hour in accordance with agreement of the parties at the time purchase, or in the absence of such an agreement, returned within 12 months after the date of such purchase, as scheduled by SWPA but at a rate of delivery within the excess available capability of the customer's generating facilities.

If a customer, for any reason, fails or refuses to return all or any portion of the energy as scheduled by SWPA under part (ii), above, the number of kilowatt-hours not so returned shall be billed and paid for at eleven times the energy charge.

Rate Schedule EE-2 (Revised) [1]

Wholesale Rate for Excess Energy

Effective:

During the period extending from October 1, 1983, to September 30, 1986, in accordance with the Order of the Federal Energy Regulatory Commission issued ——— (Docket No. ———).

Available:

In the marketing area of Southwestern Power Administration (SWPA), described generally as the States of Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas.

Applicable:

To wholesale power customers who by contract may purchase Excess Energy.

Character and Conditions of Service:

Three-phase, alternating current, delivered at approximately 60 hertz, at the nominal voltage and points of delivery specified by contract.

Energy Associated with Rate Schedule EE-2 (Revised):

Excess Energy will be furnished at such times and in such amounts as SWPA determines to be available.

Rate:

Energy Charge: $0.0035 per kilowatt-hour.

Wholesale Rates for Power and Energy Sold to Tex-La Electric Cooperative, Inc. (Contract 14-02-001-864) [2]

Effective:

As of April 1, 1979, and thereafter in accordance with the Order of the Federal Energy Regulatory Commission, dated January 25, 1982, Docket No. EF 79-4011, as extended.

Applicable:

To the power and energy purchased by Tex-La Electric Cooperative, Inc. from the Southwestern Power Administration under the Power Sales Agreement dated October 20, 1958, Contract No. 14-02-001-864, between Southwestern Power Administration (Government) and Tex-La Electric Cooperative, Inc. (Tex-La).

Capacity and Energy Charges:

Section 2, 3, and 35, respectively, of Contract No. 14-02-001-864, are amended to read as follows:

"Section 2. *Compensation by Tex-La to Government.* (a) Tex-La shall compensate the Government each month for firm power capacity and associated energy purchased under Section 1, hereof, at the following rates:

Capacity Charge:

(a) During the period until the twentieth day of the month following the date the first power generating unit at the Harry S Truman Dam is placed in commercial operation in the integrated system of SWPA, the capacity charge shall be: $1.73 per kilowatt per month of 'Billing Demand,' as defined in Section 3, hereof.

(b) Commencing on the twentieth day of the month following the date the first power generating unit at the Harry S Truman Dam is placed in commercial operation in the integrated system of SWPA, the capacity charge shall be: $1.86 per kilowatt per month of 'Billing Demand,' as defined in Section 3, hereof.

Energy Charge:

(i) $0.00309 per kilowatt-hour for the first 100 kilowatt-hours per kilowatt per month of 'Billing Demand.'

(ii) $0.00459 per kilowatt-hour for the next 340 kilowatt-hours per kilowatt per month of 'Billing Demand.'

(iiii) $0.00659 per kilowatt-hour for the each kilowatt-hour delivered to Tex-La during any month in excess of 440 kilowatt-hours per kilowatt per month of 'Billing Demand.'

"Section 3. *Billing Demand.* The 'Billing Demand' for any month for firm power capacity purchased by Tex-La from the Government under Section 1 hereof, shall be the number of kilowatts computed under the formula—

$$BD = \frac{A}{B} \times C,$$

with the factors defined as follows:

BD = Tex-La Billing Demand for any particular month.

A = The sum of the maximum 30-minute integrated demands recorded during such month at the points of delivery to the Tex-La members served from the system of the Company, but not less than 75% of the highest Factor 'A' established during the 12-month period ending with such month.

B = The greatest Factor 'A' established during the 12-month period ending with such month.

C = 15,000 kilowatts."

[FR Doc. 83-11704 Filed 5-2-83; 8:45 am]

BILLING CODE 6450-01-M

[1] Supersedes Rate Schedule EE-2.

[2] Marked "Rate Schedule 14-02-001-864" for reference purposes only; not so designated in proceedings before the Federal Energy Regulatory Commission.

Nevada Operations Office; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: Dose Assessment Advisory Group (DAAG).

Date and time: Thursday, May 19, 1983—8:30 a.m.–4:30 p.m.; Friday, May 20, 1983—8:30 a.m.–2:30 p.m.

Place: Fine Arts Center Theater, Dixie College, 225 South 700 East, St. George, UT 84770.

Contact: Marshall Page, Jr., Off-Site Radiation Exposure Review Project, U.S. Department of Energy, Post Office Box 14100, Las Vegas, Nevada 89114, Telephone: 702/734-3194.

Purpose of the group: To provide the Secretary of Energy and the Manager, Nevada Operations Office (NV), with advice and recommendations pertaining to the Off-Site Radiation Exposure Review Project (ORERP). This project concerns the evaluation and assessment of the amount of radiation received by members of the off-site population surrounding the Nevada Test Site (NTS) as a result of the nuclear test operations conducted at the NTS.

Tentative Agenda

Briefings and discussions of:

May 19, 1983:

- Welcome and Introduction
- Report of DAAG Subcommittee on Coordination and Information Center
- Response to Prior DAAG Recommendations
- Summary of ORERP Progress
- Fallout Verification Progress Report
- PATHWAY Analysis Progress Report
- Internal Dose Progress Report
- External Dose Progress Report
- Data Analysis Progress Report
- Report of Progress by Environmental Measurements Laboratory (EML)
- Discussion and Comment by DAAG members
- Public Comments and Questions (5 minute rule)

May 20, 1983:

- BOLTZMANN Hot Spot Analysis
- EML Study of Pu Leaching Process
- Soil Sampling Progress Report
- DRI Report on Quality Assurance Program
- Timeline for ORERP
- Format Presentation of Final Report
- Discussion and Recommendations by DAAG to ORERP
- Public Comments and Questions (5 minute rule)

Public Participation

The meeting is open to the public. The Chairperson of the 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 Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Marshall Page, Jr., at the

address or telephone number listed above.

Transcripts

Available for public review and copying at the Public Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 8. a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on April 28, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-11771 Filed 5-2-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-30226; PH-FRL 2341-8]

Certain Companies; Applications to Register Pesticide Products Containing New Active Ingredients

Correction

In FR Doc. 83-9083 beginning on page 15949 in the issue of Wednesday, April 13, 1983, make the following correction on page 15950: In the first column, sixth line, the word "Ouintox" should read "Quintox".

BILLING CODE 1505-01-M

[AMS-FRL 2358-1]

Fuel Economy Retrofit Devices; Announcement of Fuel Economy Retrofit Device Evaluation for Atomized Vapor Injector

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Fuel Economy Retrofit Device Evaluation.

SUMMARY: This document announces the completion of the EPA evluation of the "Atomized Vapor Injector" device under provisions of Section 511 of the Motor Vehicle Information and Cost Savings Act. This notice also announces the findings, conclusions, and availability of the report.

SUPPLEMENTARY INFORMATION:

I. Background

Section 511(b)(1) and Section 511(c) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2011(b)) require that:

(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit devices are accurate.

(c) The EPA Administrator shall published in the **Federal Register** a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to—

(1) The effect of any retrofit device on fuel economy;

(2) The effect of any such device on emissions of air pollutants; and

(3) Any other information which the Administrator determines to be relevant in evaluating such device.

EPA published final regulations establishing procedures for conducing evaluations of fuel economy retrofit devices on March 23, 1979 [44 FR 17946].

II. Origin of Request for Evaluation, Device Descriptions and Report Identification

On July 6, 1982 the EPA received a request from Mr. Lewis J. Schneller for an evaluation of a fuel economy retrofit device termed Atomized Vapor Injector. Among other claims, this device is designed to save fuel and increase engine power. The device is a vapor air bleed device which bubbles air through a 50/50 mixture of water and alcohol. The resulting vapor is introduced into the combustion chamber.

Report: "EPA Evaluation of the Atomized Vapor Injector Device Under Section 511 of the Motor Vehicle Information and Cost Savings Act". Report Number EPA–AA–TEB–511–83–4 contains the analysis and conclusions. It consists of 38 pages including all attachments.

III. Availability of Evaluation Reports

Copies of this report may be obtained from the National Technical Information Service by using the above report number. Address requests to: National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703) 487–4650 or FTS 737–4650

IV. Summary of Evaluation

The evaluation of the Atomized Vapor Injector was based on the information submitted by the applicant, EPA's engineering judgment, and the results of EPA's evaluation of similar products. The overall conclusion from the EPA evaluation is that there is no reason to expect that the device will significantly improve the fuel economy or performance of a vehicle. Any changes in emission levels would be due solely to the air bleed aspect of the device.

FOR FURTHER INFORMATION CONTACT: Merrill W. Korth, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, Telephone: (313) 668–4299.

Dated: April 25, 1983.

Charles Elkins,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 83-11750 Filed 5-2-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Technical Subgroup of Radio Advisory Committee; Resumed Meeting

The Technical Subgroup of the Advisory Committee on Radio Broadcasting resumes its continuing meeting Wednesday June 8, 1983 at 10 a.m. in the Vincent Wasilewski Room of the National Association of Broadcasters, 1771 N Street NW., Washington, D.C.

The Subgroup will continue its consideration of recommendations to the Federal Communications Commission concerning matters pertinent to the ongoing U.S.-Canadian discussions on the drafting of a new bilateral AM agreement which, it is expected, will replace the North American Regional Broadcasting Agreement (NARBA).

The Subgroup will also discuss preparations for bilateral discussions which have started with Mexico, looking toward post-Rio revision of the U.S.-Mexican AM Agreement.

The meeting, a continuing one, will be resumed after the June 8, 1983 session at such time and place as is decided at that session. It is open for participation by all interested persons.

For further information, please call the Subgroup Chairman, Mr. Wallace E. Johnson, at (703) 841–0500.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-11789 Filed 5-2-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group, Income and Other Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Telecommunications Industry Advisory Group (TIAG) Income and Other Accounts Subcommittee scheduled for Wednesday and

Thursday, May 18 and 19, 1983. The meeting will begin on May 18 at 9:30 a.m. in the offices of GTE Service Corporation, Suite 900, 1120 Connecticut Avenue, N.W., Washington, D.C., and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation or Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin (214/659-3484) at least five days prior to the meeting date.

William J. Tricarico,
Secretary, Federal Communications Commission.

[FR Doc. 83-11790 Filed 5-2-83; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed, Port of Seattle and Seacon Terminals, Inc., et al.

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10325. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 522.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: T-3985-2.

Title: Port of Seattle and Seacon Terminals, Inc. Terminal Lease Agreement Amendment.

Parties: Port of Seattle (Port)/Seacon Terminals, Inc. (Seacon).

Synopsis: Agreement No. T-3985-2 provides for the reduction in the lease area by 7.5302 acres with a corresponding reduction in rental, reduces the number of port-owned container cranes from three to two, and provides for the deletion of three Port-owned gantry cranes.

Filing Party: Frank H. Clark, Associate Director of Real Estate, Facilities, Port of Seattle, P.O. Box 1209, Seattle, Washington 98111.

Agreement No. T-4107.

Title: Port of Oakland and Malaysian International Shipping Corpn. Berhad. Terminal Use Agreement.

Parties: Port of Oakland (Port) and Malaysian International Shipping Corpn. Berhad. (MISC)

Synopsis: Agreement No. T-4107 provides that MISC shall have the nonexclusive right to assigned premises at the Port's Seventh Street Public Container Terminal for the berthing, loading and discharging of its vessels and related operations in its transpacific container service. MISC agrees that the assigned premises shall be the published regularly scheduled Northern California port of call for its transpacific service. The authority to manage these premises for the Port is vested in Marine Terminals Corporation, as separately provided for under the terms of Agreement No. T-4008. The provisions of the Port of Oakland Tariff No. 2 shall apply to MISC's use of the assigned premises. As a consideration for its regular use of the Port, MISC will pay to Port 90 percent of tariff dockage and wharfage revenues, instead of 100 percent of said charges, and if MISC's usage generates in excess of 31,000 revenue tons per acre in a year, any further wharfage payments in excess of this shall be refunded. The term of the agreement commences on the first of the month following Commission approval and runs for five years.

Filing party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

Agreement No.: T-4108.

Title: Port of Oakland and Sea Winds Limited Terminal Use Agreement.

Parties: Port of Oakland (Port) and Sea Winds Limited (Sea Winds)

Synopsis: Agreement No. T-4108 provides that Sea Winds shall have the nonexclusive right to certain assigned premises at the Port's Seventh Street Public Container Terminal for the berthing, loading and discharging of its vessels and related operations in the transpacific service. Sea Winds agrees that the assigned premises shall be the published regularly scheduled Northern California port of call for its transpacific service. The authority to manage these premises for the Port is vested in Marine Terminals Corporation, as separately provided for under the terms of Agreement No. T-4008. The provisions of the Port of Oakland Tariff No. 2 shall apply to Sea Winds' use of the assigned premises. As a consideration for its regular use of the Port, Sea Winds will pay to Port 90 percent of tariff dockage and wharfage revenues, instead of 100 percent of said charges, and if Sea Winds' usage generates in excess of 31,000 revenue tons per acre in a year, any further wharfage payments in excess of this shall be refunded. The term of the agreement commences on the first of the month following Commission approval and concludes on June 30, 1987.

Filing Party: John E. Nolan, Assistant Port Attorney, Port of Oakland, 66 Jack London Square, P.O. Box 2064, Oakland, California 94604.

Agreement No. 3868-29

Title: Atlantic & Gulf/Panama Canal Zone, Colon and Panama City Conference.

Parties: Delta Steamship Lines, Inc., Lykes Bros. Steamship Co., Inc., Sea-Land Service, Inc. and United States Lines, Inc.

Synopsis: The basic agreement would be amended to require the countersignature of a representative of a member line of the Conference in addition to the signature of the Conference Chairman or Vice Chairman before the security deposit of a member line could be drawn upon.

Filing Party: Nathan J. Bayer, Esq., Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Agreements Nos.: 9718-9, 9731-9, 9835-6, 9975-8, 10116-5 and 10274-2.

Titles:

Agreement No. 9718—Japan Line, "K" Line, Mitsui O.S.K. and Y. S. Containership Service Agreement

Agreement No. 9731—NYK and Showa Line Containership Service Agreement

Agreement No. 9835—Japanese Lines' Pacific Northwest Containership Service Agreement

Agreement No. 9975—Japanese Lines' Atlantic Coast Containership Service Agreement

Agreement No. 10116—U.S. Pacific Coast/Japan Revenue Pooling Agreement

Agreement No. 10274—U.S. Atlantic Japan Pooling Agreement

Parties:
Agreement No. 9718—Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; and Yamashita-Shinnihon Steamship Co., Ltd.
Agreement No. 9731—Nippon Yusen Kaisha and Showa Line Ltd.
Agreement No. 9835—Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Show Line Ltd.; Yamashita-Shinnihon Steamship Co., Ltd.
Agreement No. 9975—Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Yamashita-Shinnihon Steamship Co., Ltd.
Agreement No. 10116—Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Showa Line Ltd.; Yamashita-Shinnihon Steamship Co., Ltd.
Agreement No. 10274—Japan Line, Ltd.; Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Yamashita-Shinnihon Steamship Co., Ltd.

Synopsis: Agreements Nos. 9718–9, 9731–9, 9835–6, 9975–8, 10116–5 and 10274–2 are all proposals to extend the expiration date of the respective basic agreements from August 22, 1983 to August 22, 1988.

Filing Party: Charles F. Warren, Esquire, Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No.: 7590–34.

Titles: East Coast Colombia Conference.

Parties: Lykes Bros. Steamship Co., Inc., Delta Steamship Lines, Inc., Flota Mercante Grancolombiana, S.A.

Synopsis: The geographic scope of the basic agreement would be amended to include all ports on the Caribbean Coast of Colombia, S.A.

Filing Party: Nathan J. Bayer, Freehill, Hogan & Mahar, 80 Pine Street, New York, New York 10005.

By Order of the Federal Maritime Commission.

Dated: April 28, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11736 Filed 5-2-83; 8:45 am]

BILLING CODE 6730-01-M

Section 15 Agreements; Cancellation

The Commission has twice inquired of the parties to a number of seemingly inactive agreements, previously approved under section 15 of the Shipping Act, 1916, asking if these agreements were inactive and should be cancelled. No reply to these inquiries has been received. It is assumed that no good cause exists for the continued approval of these agreements, therefore, the following agreements between the parties designated are cancelled effective May 2, 1983:

Agreement No.	Parties
9694	American Mail Line Ltd., Shipping Corporation of India, Ltd.
9864	Atlantic Lines, Ltd., Pan American Mail Line, Inc.
9878	Hellenic Lines, Limited, Unicorn Shipping Lines (Pty) Limited.
9880	Moore-McCormack Lines, Inc., Durban Lines (Pty) Limited, Lenox Lines (Pty) Limited.
9897	American President Lines, Ltd., Everett Orient Lines.
9913	American Maritime Association, States Marine Lines, Inc., United States Lines, Inc.,

By Order of the Federal Maritime Commission.

Dated: April 28, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-11737 Filed 5-2-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Formation of Bank Holding Companies; NCB Financial Corp., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated for that application. With respect to each application, interested persons may express their views in writing to the address indicated for that application. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

A. **Federal Reserve Bank of Phildadelphia** (Thomas K. Desch, Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. *NCB Financial Corporation,* Williamsport, Pennsylvania; to become a bank holding company by acquiring 100 percent of the voting shares of Northern Central Bank, Williamsport, Pennsylvania. Comments on this application must be received not later than May 27, 1983.

B. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *1st Columbia Corp.,* Columbus, Wisonsin; to become a bank holding company by acquiring 80 percent of the voting shares of First National Bank of Columbus, Columbus, Wisconsin. Comments on this application must be received not later than May 27, 1983.

2. *Lakeland Financial Corporation,* Warsaw, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Lake City Bank, Winona Lake, Indiana. Comments on this application must be received not later than May 27, 1983.

C. **Federal Reserve Bank of St. Louis** (Delmer P. Weisz, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Southern Bancshares Corp.,* St. Louis, Missouri; to become a bank holding company by acquiring 80 percent of the voting shares of Southern Commercial Bank, St. Louis, Missouri. Comments on this application must be received not later than May 27, 1983.

Board of Governors of the Federal Reserve System, April 27, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-11700 Filed 5-2-83; 8:45 am]

BILLING CODE 6210-01-M

Midlantic Banks, Inc.; Merger of Bank Holding Companies

Midlantic Banks, Inc., Edison, New Jersey, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with Greater Jersey Bancorp, West Paterson, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Midlantic Banks, Inc., Edison, New Jersey, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Greater Jersey Mortgage Company, West Paterson, N.J.

Applicant states that the proposed subsidiary would engage in loan servicing activities. The geographic areas to be served by Greater Jersey Mortgage Company is New Jersey, Pennsylvania and Delaware. Such activities have been specified by the application must be received not later than May 27, 1983.

Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Midlantic Banks, Inc., Edison, N.J., is also engaged in the following nonbank activities: factoring and leasing personal property. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 27, 1983. Any comment on an applicaiton that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 27, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-11699 Filed 5-2-83; 8:45 am]

BILLING CODE 6210-01-M

Zions Utah Bancorporation; Proposed Acquisition of Republic Industrial Bank

Zions Utah Bancorporation, Salt Lake City, Utah, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of Republic Industrial Bank Widefield, Colorado.

Applicant states that the proposed subsidiary would engage in the activities of industrial banking and selling credit insurance related to extensions of credit. These activities would be performed from offices of Applicant's subsidiary in Widefield, Colorado, and the geographic areas to be served are El Paso County, Colorado and the Colorado Springs, Colorado metropolitan area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 18, 1983.

Board of Governors of the Federal Reserve System, April 27, 1983.

William W. Wiles,

Secretary of the Board.

[FR Doc. 83-11701 Filed 5-2-83; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Administrator

Advisory Board; Meeting

Notice is hereby given that the GSA Advisory Board will meet on May 9, 1983, from 8:00 pm to 9:30 pm, and May 10, from 8:30 am to 4:30 pm, in the Board Room of the One Washington Circle Hotel, located at 1 Washington Circle, Washington, D.C. This session is open to the public and will involve discussions of activities of the Board's subcommittees, development of an agencywide strategic planning process.

Less than fifteen (15) days notice of this meeting is being provided due to scheduling difficulties.

For additional information, contact Roger C. Dierman, Deputy Associate Administrator, on (202) 523-1141.

Charles S. Davis III,

Associate Administrator.

[FR Doc. 83-11949 Filed 5-2-83; 8:45 am]

BILLING CODE 6820-26-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Emergency Planning and Action in a Radiation Emergency; Memorandum of Agreement Between the Centers for Disease Control and the Health Resources and Services Administration

Correction

In FR Doc. 83-10226 beginning on page 16541 in the issue of Monday, April 18, 1983, make the following corrections:

1. On page 16541, the heading on the document should have read as set forth above.

2. Also on page 16541, first column, under SUPPLEMENTARY INFORMATION, seventh line, "CFC" should have read "CDC".

BILLING CODE 1505-01-M

Food and Drug Administration

Advisory Committee; Notice of Meeting

Correction

In FR Doc. 83-9652 beginning on page 16335 in the issue of Friday, April 15, 1983, make the following correction on page 16336: In the first column, the third complete paragraph, the twelfth line, the word "items" should read "times".

BILLING CODE 1505-01-M

Office of Human Development Services

Additional Federal Allotments to States for Social Services Expenditures Pursuant to the Title XX—Block Grants to States for Social Services

Correction

In FR Doc. 83-10809, beginning on page 17393, in the issue of Friday, April 22, 1983, make the following changes:

1. On page 17394, in the table, in the entry for "California", the total column should read "27,118,347".

2. The entry reading "North Mariana Islands" should read Northern Mariana Islands".

3. In the entry for "Pennsylvania", the second column should read "3,907,430".

4. In the entry for "Rhode Island", the third colunm should read "467,927".

5. In the entry for "Tennessee", the first column should read "1,701,770".

BILLING CODE 1505-01-M

Public Health Service

National Center for Health Services Research; Assessment of Medical Technology

The Public Health Service (PHS) through the Office of Health Technology Assessment (OHTA) announces that it is seeking additional responses to an announcement of assessment in **Federal Register** Volume 47, number 91, p. 20205, May 11, 1982, of what is known of the safety, clinical effectiveness, and current status of liver transplantation. This assessment is intended to address the medical and surgical indications for the procedure as well as the technical aspects of liver transplantation. Specifically, we wish to address that status of organ procurement, harvesting, preservation and transport, as well as issues of rejection and immunosuppression. Information addressing the status of cylosporin-A is also being sought, as are any recent updates or advances in liver transplantation since our previous **Federal Register** announcement (May 11, 1982).

For the purposes of this announcement, liver transplantation is defined as the surgical replacement of an irreversibly diseased liver in a patient with one obtained from a cadaver. The source of disease may be congenital or acquired and the patients may be pediatric or adult.

This assessment seeks to establish whether liver transplantation has advanced beyond investigational stages of development or remains experimental. We also seek to determine the degree to which this technology has gained widespread acceptance and application in the medical/surgical community, and the present and future demand for the subject technology relative to the ability of providers to deliver it.

The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal Government. PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person or group wishing to provide OHTA with information relevant to this assessment should do so in writing no later than June 1, 1983, or approximately 30 days from the date of publication of this notice.

The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published, controlled clinical trials and other well-designated clinical studies since 1980 and other information related to the characterization of the patient population most likely to benefit, the clinical acceptability, and the effectiveness of this technology. Proprietary information is being sought.

Written material should be submitted to: Office of Health Technology Assessment, Enrique Carter, M.D., Park Building, Room 3–10, Stop #2, 5600 Fishers Lane, Rockville, Maryland 20857.

For further information contact: Enrique D. Carter, M.D., Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: April 25, 1983.

Harold Margulies,

Director, Office of Health Technology Assessment, National Center for Health Services Research.

[FR Doc. 83–11716 Filed 5–2–83; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[M–55568]

Montana; Notice of Realty Action—Modified Competitive Sale of Public Land in Carter County, Montana

The following described land has been examined and identified suitable for disposal by sale pursuant to Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value ($2,500).

Montana Principal Meridian

T. 3 N., R. 58 E.,
Sec. 17, SE¼SW¼.

The area described contains 40 acres. The land will be offered for sale utilizing modified competitive bidding procedures on July 6, 1983. The bidding is limited to the adjoining landowners, Mr. Dave Ness of Ekalaka, Montana, and Mrs. Gladys Mehling of Willard, Montana.

The land is isolated with no public access and has no unique public values. The sale will resolve an unauthorized grazing use that has existed for many years.

Detailed information concerning the sale, including planning documents, environmental assessment and public involvement, is available for review at the Miles City District Office, Box 940, Miles City, Montana 59301.

All minerals will be reserved to the United States together with the right to explore, prospect for, and remove same under applicable law and regulations. A right-of-way for ditches or canals will be reserved to the United States in accordance with 43 U.S.C. 945. The sale will be subject to all valid existing rights and reservations of record.

For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager, Bureau of Land Management, at the address shown above. Any adverse comments will be evaluated by the BLM Montana State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination of the Department of the Interior.

Dated: April 25, 1983.

Ray Brubaker,

District Manager.

[FR Doc. 83–11722 Filed 5–2–83; 8:45 am]

BILLING CODE 4310–84–M

[M 498(ND)]

North Dakota; Termination of Classification of Public Lands for Multiple Use Management

April 25, 1983.

1. On February 25, 1967 (FR Vol. 32, No. 32, p. 3304) the public lands described in the notice, aggregating approximately 7914.09 acres in Divide, McHenry, McLean, Mountrail, Sheridan, Ward, Williams, Pierce, Barnes, Burleigh, Emmons, Kidder, Logan, McIntosh and Studsman Counties, were classified for multiple use management under the Act of September 19, 1964 (43 U.S.C. 1411–18). This classification segregated the land from appropriation under the agricultural land laws (43 U.S.C., Parts 7 and 9; 25 U.S.C. 334) and from sales under Section 2455 of the Revised Statutes (43 U.S.C. 1171). The lands remained open to all other applicable forms of appropriations, including the mining and mineral leasing laws.

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 above is hereby terminated. At 8 a.m. on June 9, 1983, the lands described in said notice of February 25, 1967, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. June 9,

1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

Inquiries concerning these lands should be addressed to the Chief, Branch of Land Resources, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Kannon Richards,

Acting State Director.

[FR Doc. 83-11721 Filed 5-2-83; 8:45 am]

BILLING CODE 4310-84-M

[INT DEIS 83-22]

Proposed Livestock Grazing Management for the Redding Resource Area, Ukiah District, California

Pursuant to section 102(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a draft environmental impact statement concerning a proposed grazing management program for the Redding Resource Area in Siskiyou, Modoc, Shasta, Trinity, Tehama, Butte and Glenn Counties in Northern California. The proposed action would continue present management of the approximately 90,000 acres of public land presently grazed by cattle, permitting the consumption of 7,281 AUMs of forage on 89 grazing leases. Alternatives analyzed include reapportioning among leases approximately the same total livestock allocation (7,385 AUMs), increased livestock grazing (11,740 AUMs), and no livestock grazing.

Comments on the Draft Environmental Impact Statement are being solicited from public agencies and interested individuals and entities. The Bureau of Land Management invites written comments on the statement to be submitted by June 27, 1983 to the Redding Area Manager, Bureau of Land Management, 355 Hemsted Drive, Redding, California 96002.

A limited number of copies of this document are available upon request at the Redding Resource Area Office and the California State Office, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 484-4701.

In addition to the above offices, copies of this DEIS are available for public reading and review at: Division of Rangeland Management, Bureau of Land Management, Premier Building, 1725 I Street, NW., Room 909-H, Washington, D.C. 20006.

Dated: April 25, 1983.

Ed Hastey,

California State Director.

[FR Doc. 83-11714 Filed 5-2-83; 8:45 am]

BILLING CODE 4310-84-M

[R&PP Lease CA 12990 and CA 13100]

Realty Action—Public Lands in Shasta County, California

Notice is hereby given that the City of Redding has submitted an application to purchase 59.17 acres of public land for expansion of the Buckeye Park.

The following-described land has been examined and classified as suitable for sale under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 869 et seq.).

Shasta County, California, T. 32 N., R. 5 W., M.D.M.
Section 14, lots 11, 14–17, 20, 21, 23–25, and SW¼NW¼NE¼, SW¼NE¼SW¼NE¼, W½SE¼SW¼NE¼, W½SW¼NE¼SE¼, NE¼NW¼SE¼, S½N½S½SE¼NW¼SE¼, S½S½SE¼NW¼SE¼

The land described above will be leased to the city of Redding for a period of twenty (20) years with the option to purchase the land when the planned improvements have been constructed according to the City's approved plan of development.

This decision/notice is based on the following:

1. The lands have been found to be valuable for public purposes and recreational uses.

2. The land is not of national significance and not essential to any Bureau of Land Management program.

3. The proposed action is in conformance with the existing land use plan.

4. The proposed action will have no significant (including controversial) effects on the human and natural environment.

5. Leasing with option to purchase of the above-described lands to the City of Redding will serve an important public objective, i.e., provide badly needed park facilities to the residents of the Buckeye area.

6. The classification and sale of the land to the City of Redding are in conformance with the Secretary of the Interior's "Good Neighbor Program."

Classification of these lands to the City of Redding, California, under the provisions of the above cited authority segregates them from all appropriations including locations under the mining laws, except as to applications under the Mineral Leasing Laws and applications under the Recreation and Public Purposes Act.

Petition for classification CA 12990 and CA 13100 is approved. The petitioner is the City of Redding, California, through the provisions of the Recreation and Public Purposes Act.

For a period of 45 days from the date of this notice, interested parties may submit comments to the Area Manager, 355 Hemsted Drive, Redding, California 96002. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination.

Dated: April 25, 1983.

Robert J. Bainbridge,

Area Manager.

[FR Doc. 83-11746 Filed 5-2-83; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Intent To Prepare a Regional Environmental Impact Statement (EIS) for Proposed Leasing of Federal Coal in the Powder River Coal Region

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to Prepare an EIS.

SUMMARY: This notice advises the public that the Bureau of Land Management (BLM) intends to prepare an EIS addressing coal leasing in the Powder River Basin Coal Region in 1984. Public involvement to determine the scope and significant issues to be analyzed is invited. Public participation will be sought in public scoping meetings in Gillette, Wyoming, May 24, Sheridan, Wyoming, May 25 and Ashland, Montana, May 26, 1983.

FOR FURTHER INFORMATION CONTACT: Charles F. Wilkie, Special Projects Team Leader, Casper District Office, Bureau of Land Management, 951 Rancho Road, Casper, Wyoming 82601, (307) 261-5598.

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the National Environmental Policy Act and the Council on Environmental Quality regualtions (43 CFR 1508.22) that the Bureau of Land Management (BLM) will prepare an EIS to address potential affects of new competitive coal leasing in the Powder River Region of Wyoming and Montana.

This proposed leasing in needed to meet a Department of the Interior Federal coal leasing level, in accordance with the Federal Coal Management Program as announced by the Secretary of the Interior (43 CFR Part 3400).

Potential lease tracts have been delineated by the Minerals Management Service from land found acceptable for further consideration for coal

development during BLM land-use planning. The Casper District of BLM identified acceptable areas for Wyoming in supplements and amendments to the Eastern Powder River Basin Management Framework Plans for the Western Powder River, Recluse, Gillette and Highlight review areas in Sheridan, Johnson, and Campbell counties. The U.S. Forest Service (USFS) (Supervisor's Office) applied the unsuitability criteria and identified acceptable areas on the Thunder Basin National Grasslands in southern Campbell County. The Miles City District BLM identified acceptable areas in Montana in updates of the South Rosebud, Coalwood, and Decker-Birney Management Framework Plans covering parts of Power River, Big Horn and Rosebud counties.

Preparation of the EIS is scheduled to begin in May 1983. A draft EIS should be available for public review and comment in December 1983. A final EIS is to be filed with the Environmental Protection Agency in April 1983. A final EIS is to be filed with the Environmental Protection Agency in April 1984. The Secretary of the Interior is tentatively scheduled to make the leasing decision in June 1984. A lease sale is scheduled for August 1984.

The proposed action is the leasing of a combination of tracts within the Powder River Region to meet a regional leasing level. Alternatives to the proposed action include leasing different combinations of tracts and no additional Federal coal leasing (No Action). Prior to the preparation of the EIS, the tracts identified in accordance with the Federal coal management regulations (43 CFR 3420.4) will be ranked, selected and scheduled by the Powder River Regional Coal Team.

Public involvement is invited to determine the scope and significant issues to be analyzed in the EIS. Public participation will be sought by direct contact and mailings to interested and affected parties, announcements in local media, and review of the EIS and decision documents.

Public meetings will be held in areas that would be directly affected. These meetings are a part of the overall scoping process and they will be held in the County Building basement—Gillette, Wyoming on May 24, 1983, at 7:00 p.m.; Holiday Inn-Sheridan, Wyoming on May 25, 1983, at 7:00 p.m.; and the Elementary School—Ashland, Montana on May 26, 1983 at 7:00 p.m. Notices of date, time, and location will be published in local newspapers and by direct mailing to interested and affected parties.

Any individual company, group or agency who wishes to be included in the mailing list for notification, to submit information that would be useful in preparing the EIS, or to provide comments and suggestions should contact the BLM District Manager, Casper District Office, 951 Rancho Road, Casper, Wyoming 82601. Telephone inquiries should be directed to Charles F. Wilkie, EIS Team Leader at the following numbers: (307) 261–5598 (commercial phone) or 328–5598 (Federal Telecommunications System).

Maxwell T. Lieurance,

State Director.

[FR Doc. 83–11712 Filed 5–2–83; 8:45 am]

BILLING CODE 4310–84–M

National Park Service

Bureau Forms Submitted for Review

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed information collection requirement and related forms and explanatory material may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirement should be made directly to the Bureau clearance officer and the Office of Management and Budget reviewing official at 202–395–7340.

Title: Park Visitation Census
Bureau Form Number: 10–157
Frequency: On occasion
Description of Respondents: Individuals visiting areas of the National Park System
Annual Responses: 9,600
Annual Burden Hours: 800
Bureau clearance officer: Russell K. Olsen 202–523–5133

April 27, 1983.

Russell K. Olsen,

Information Collection Clearance Officer.

[FR Doc. 83–11747 Filed 5–2–83; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 22, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 18, 1983.

Carol D. Shull,

Chief of Registration, National Register.

FLORIDA

Dade County

Miami, *Warner, J. W., House,* 111 SW 5th Ave.
Opa-Locka, *Opa-Locka Bank,* 940 Caliph St.

INDIANA

Marion County

Indianapolis, *Scottish Rite Cathedral,* 650 N. Meridian St.

Randolph County

Union City, *Union City Passenger Depot,* Howard St.

IOWA

Clayton County

Guttenberg, *Bauer House (Guttenberg MRA),* 418 S. 3rd St.
Guttenberg, *Berns House (Guttenberg MRA),* 602–606 N. Bluff St.
Guttenberg, *Bluff Street Historic Distict (Guttenberg MRA),* Bluff St. between Dekalb and Pryam Sts.
Guttenberg, *Bolsinger House (Guttenberg MRA),* 10 China St.
Guttenberg, *Borrett Stone House (Guttenberg MRA),* 208 S. 1st St.
Guttenberg, *Breiman House (Guttenberg MRA),* 109 N. 3rd St.
Guttenberg, *Chicago House (Guttenberg MRA),* 5 Goethe St.
Guttenberg, *Dubbel's Harness Shop (Guttenberg MRA),* 512 S. 1st St.
Guttenberg, *Dunker's Winery (Guttenberg MRA),* 426 Acre St.
Guttenberg, *Eckert House (Guttenberg MRA),* 411 S. 1st St.
Guttenberg, *Eckert House (Guttenberg MRA),* 413 S. 1st St.
Guttenberg, *Eglseder House (Guttenberg MRA),* 121 N. 1st St.
Guttenberg, *Fahlings Boot and Shoe Shop (Guttenberg MRA),* 11 Herder St.
Guttenberg, *Felder House (Guttenberg MRA),* 223 S. 2nd St.
Guttenberg, *Fleck Warehouse (Guttenberg MRA),* 10 Schiller St.
Guttenberg, *Freidline House (Guttenberg MRA),* 302 S. 1st St.
Guttenberg, *Friedlein Hotel (Guttenberg MRA),* 310 N. 3rd St.
Guttenberg, *Front Street (River Park Drive) Historic District (Guttenberg MRA),* River Park Dr. between Lessing and Pearl Sts.
Guttenberg, *Fuerste House (Guttenberg MRA),* 503 S. 1st St.
Guttenberg, *Guttenberg Corn Canning Co. (Guttenberg MRA),* 413 N. 3rd St.
Guttenberg, *Guttenberg State Bank (Guttenberg MRA),* 15 Goethe St.
Guttenberg, *Huene Building (Guttenberg MRA),* 15 Herder St.
Guttenberg, *Ihm House (Guttenberg MRA),* 127 N. 1st St.
Guttenberg, *Jefferson-Freidlein (Guttenberg MRA),* 106 Schiller St.

Guttenberg, *Kann House (Guttenberg MRA)*, 603 S. 2nd St.
Guttenberg, *Kappen House (Guttenberg MRA)*, 1218 S. Bluff St.
Guttenberg, *Kasper House (Guttenberg MRA)*, 1210 S. 4th St.
Guttenberg, *Kolker House (Guttenberg MRA)*, 110 Goethe St.
Guttenberg, *Kottke House (Guttenberg MRA)*, 313 N. 2nd St.
Guttenberg, *Kuempel Stone House (Guttenberg MRA)*, 118 S. 1st St.
Guttenberg, *Luther House (Guttenberg MRA)*, 510 S. 1st St.
Guttenberg, *Matt-Bahls House (Guttenberg MRA)*, 615 S. 3rd St.
Guttenberg, *McClaine House (Guttenberg MRA)*, 300 S. 1st St.
Guttenberg, *Meyer Cigar Factory (Guttenberg MRA)*, 230 S. 1st St.
Guttenberg, *Moser Stone House (Guttenberg MRA)*, 211 S. 1st St.
Guttenberg, *Nieland House (Guttenberg MRA)*, 715 S. 1st St.
Guttenberg, *Parker House (Guttenberg MRA)*, 1015 S. 2nd St.
Guttenberg, *Patzner, Charles, Dairy (Guttenberg MRA)*, Acre St.
Guttenberg, *Pelzer House (Guttenberg MRA)*, Miners Creek Rd.
Guttenberg, *Soeugling House (Guttenberg MRA)*, 710 N. Bluff St.
Guttenberg, *Schrunk House (Guttenberg MRA)*, 1215 S. 4th St.
Guttenberg, *Schute House (Guttenberg MRA)*, 804 S. 2nd St.
Guttenberg, *Schwaller House (Guttenberg MRA)*, 12 Goethe St.
Guttenberg, *Spaeth House (Guttenberg MRA)*, 1014 S. 1st St.
Guttenberg, *Stone Barn (Guttenberg MRA)*, 12 Goethe St.
Guttenberg, *Stuffelmeir House (Guttenberg MRA)*, 11 Schiller St.
Guttenberg, *Ulrich House (Guttenberg MRA)*, 119 S. 2nd St.
Guttenberg, *Union Hotel-Farmers Home Guest House (Guttenberg MRA)*, 310 S. 1st St.
Guttenberg, *Vanstaden Distillery (Guttenberg MRA)*, Cemetery Rd.
Guttenberg, *Weber House (Guttenberg MRA)*, 822 S. River Park Dr.
Guttenberg, *Wehmer House (Guttenberg MRA)*, 910 S. River Park Dr.
Guttenbery, *Wessell House (Guttenberg MRA)*, 306 N. 2nd St.

KENTUCKY

Fayette County

Lexington, *Lexington-Fayette County Government Building Block*, 200–228 E. Main St.

Jefferson County

Louisville, *Clifton Historic District*, Roughly bounded by Brownsboro Rd., William and E. Main Sts., Frankfort and N. Ewing Aves.
Louisville, *First National Bank-Kentucky Title Company Building*, 214 S. 5th St.

MICHIGAN

Kalamazoo County

Kalamazoo, *Appeldorn, Peter B., House (Kalamazoo MRA)*, 532 Village St.
Kalamazoo, *Bronson Park Historic District (Kalamazoo MRA)*, Roughly bounded by S. Rose, S. Park, W. Lovell, and W. Michigan Sts.
Kalamazoo, *Brown, Isaac, House (Kalamazoo MRA)*, 427 S. Burdick St.
Kalamazoo, *Engine House No. 3 (Kalamazoo MRA)*, 607 Charlotte Ave.
Kalamazoo, *Gibbs, John, House (Kalamazoo MRA)*, 3403 Parkview Ave.
Kalamazoo, *Gilbert, Henry, House (Kalamazoo MRA)*, 415 W. Lovell St.
Kalamazoo, *Haymarket Historic District (Kalamazoo MRA)*, Michigan Ave. between Portage St. and Grand Rapids & Indian RR
Kalamazoo, *Illinois Envelope Co. Building (Kalamazoo MRA)*, 400 Bryant St.
Kalamazoo, *Lawrence and Chapin Building (Kalamazoo MRA)*, 201 N. Rose St.
Kalamazoo, *Marlborough*, 471 W. South St.
Kalamazoo, *Montague, Henry, House (Kalamazoo MRA)*, 814 Oakland Dr.
Kalamazoo, *Oaklands (Kalamazoo MRA)*, 1815 W. Michigan Ave.
Kalamazoo, *Old Fire House No. 4 (Kalamazoo MRA)*, 526 N. Burdick St.
Kalamazoo, *Prentice, Alonzo T., House (Kalamazoo MRA)*, 839 W. Lovell St.
Kalamazoo, *Roberts, Martin W., House (Kalamazoo MRA)*, 703 Wheaton Ave.
Kalamazoo, *Rose Place Historic District (Kalamazoo MRA)*, Rose Pl. Douglas Ave.
Kalamazoo, *Shaffer, Enoch, House (Kalamazoo MRA)*, 1437 Douglas Ave.
Kalamazoo, *State Hospital Gatehouse (Kalamazoo MRA)*, 1006 Oakland Dr.
Kalamazoo, *Stevens, Andrew J., House (Kalamazoo MRA)*, 4024 Oakland Dr.
Kalamazoo, *Stewart Neighborhood/ Henderson Park Historic District (Kalamazoo MRA)*, Roughly bounded by Michigan Central RR, Douglas, Forbes, W. Main, North, Elm Sts., Kalamazoo and Grand Aves
Kalamazoo, *Vine Area Historic District (Kalamazoo MRA)*, Roughly bounded by S. Rose, S. Westnedge, W. Walnut, and Ranney Sts.
Kalamazoo, *Welsh, William L., Terrace (Kalamazoo MRA)*, 101–105 W. Dutton St.

MINNESOTA

Blue Earth County

Mankato, *Mankato Second Normal School, Mankato State Teachers College*, 5th St. S. and Jackson St.

Hennepin County

Minneapolis, *Lumber Exchange Building*, 425 Hennepin Ave./10 S. 5th St.
Minneapolis, *Northwestern Knitting Company Factory*, 718 Glenwood Ave.

Nicollett County

Norseland, *Norseland General Store*, CR 3
St. Peter, *Church of the Holy Communion*, 116 N. Minnesota Ave.
St. Peter, *Donahower, Frederick A., House*, 720 S. Minnesota Ave.
St. Peter, *Johnson, John A., House*, 418 N. 3rd St.
St. Peter, *Nicollet County Bank*, 224 S. Minnesota Ave.
St. Peter, *St. Peter Public Library*, 429 S. Minnesota Ave.
St. Peter, *Swift, Henry A., House*, 820 S. Minnesota Ave.
St. Peter, *Union Presbyterian Church*, 311 W. Locust St.

Ramsey County

New Brighton, *Foss House*, 321 Silver Lake Rd.
St. Paul, *Giesen-Hauser House*, 827 Mound St.
White Bear Lake, *Hobe, E.H., House/ Solheim*, 5590 W. Bald Eagle Blvd.

NEW YORK

Kings County

New York, New Lots Reformed Church and Cemetery, 630 New Lots Ave.

New York County

New York, *Studio Apartments*, 44 W. 77th St.

Queens County

New York, *Jamaica Savings Bank*, 161–02 Jamaica Ave.

OREGON

Clatsop County

Astoria, *Clatsop County Jail (Old)*, 732 Duane St.

Coos County

Coos Bay, *Marshfield Elks Temple*, 195 S. 2nd St.

Marion County

Salem, *Robertson, Dr. and Mrs. Charles G., House and Garden*, 460 S. Leffelle St.

Multnomah County

Portland, *Clovelly Garden Apartments*, 6309 NE Union Ave.
Portland, *Lytle, Robert F., House*, 1914 NE 22nd Ave.
Portland, *Mizpah Presbyterian Church of East Portland*, 2456 SE Tamarack Ave.

TENNESSEE

Shelby County

Memphis, *Madison-Monroe Historic District*, Madison and Monroe Aves., Main and 2nd Sts.

Correction

The following property was incorrectly listed on the Pending List for April 19, 1983.

NEW YORK

Essex County

Keeseville, *Tomlinson House (Keeseville Village MRA)*, Kent St.

[FR Doc. 83-11697 Filed 5-2-83; 8:45 am]
BILLING CODE 4310-70-M

Golden Gate National Recreation Area Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 10:30 a.m. (PST) on Saturday, May 21, 1983, at the West Marin School, Point Reyes Station, California.

The Advisory Commission was established by Pub. L. 92–589 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems pertinent to the National Park Service systems in Marin and San Francisco Counties.

Members of the Commission are as follows:

Mr. Frank Boerger, Chairman
Ms. Amy Meyer, Vice Chair
Mr. Ernest Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Ms. Margot Patterson Doss
Mr. Jerry Friedman
Ms. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Burr Heneman
Mr. John Jacobs
Ms. Gimmy Park Li
Mr. John Mitchell
Mr. Merritt Robinson
Mr. John J. Spring
Dr. Edgar Wayburn
Mr. Joseph Williams

Major agenda items for this meeting will be the draft Land Protection Plan for Golden Gate National Recreation Area and Point Reyes National Seashore, and the PG & E easement agreement for work within park boundaries.

The meetings are open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing to receive further information on this meeting or who wish to submit written statements may contact John H. Davis, General Superintendent of the Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123; telephone (415) 556–2920.

Minutes of this meeting will be available for public information by June 21, 1983 in the Office of the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123.

Dated: April 21, 1983.

James R. Mills,

Acting Regional Director, Western Region.

[FR Doc. 83-11751 Filed 5-2-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nomination for the following property being considered for listing in the National Register was received before April 28, 1983. Waiver of the 15-day commenting period following this publication is necessary for the Ohio nomination listed below in order for listing to be accomplished before May 14, 1983. Waiver of the public commenting period will allow timely listing which will aid in the preservation of this property.

Carol D. Shull,

Chief of Registration, National Register Branch.

OHIO

Franklin County

Bexley, *Jeffrey, Malcolm, House*, 358 North Parkview

[FR Doc. 83-11752 Filed 5-2-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 15, 1983. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20243. Written comments should be submitted by May 18, 1983.

Carol D. Shull,

Chief of Registration, National Register.

COLORADO

Denver County

Denver, *Kistler-Rodriguez House*, 700 E. 9th Ave.

KENTUCKY

Barren County

Austin vicinity, *Hicks, William, House (Barren County MRA)*, Jeff Hicks Rd.
Beckton vicinity, *Edmunds, Charler Penn, House (Barren County MRA)*, E of Beckton
Bristle Town vicinity, *Site Bn–54 (Barren County MRA)*, Roseville Rd.
Cave City, *Cave City Commercial District (Barren County MRA)*, Broadway between 1st and 2nd Sts.
Cave City, *McCoy, Andrew, House (Barren County MRA)*, Railroad Ave.
Finney vicinity, *Martin, Benjamin, House (Barren County MRA)*, Berry Store Rd.
Glasgow vicinity, *Mayfield, John, House (Barren County MRA)*, SW of Glasgow
Glasgow, *First National Bank (Barren County MRA)*, Main St.
Glasgow, *First Presbyterian Church (Barren County MRA)*, Washington and Broadway
Glasgow, *Morris Building (Barren County MRA)*, Washington and Green Sts.
Glasgow, *North Race Street Historic District (Barren County MRA)*, N. Race St. between Front and Cherry Sts.
Glasgow, *Southwest Glasgow Residential District (Barren County MRA)*, Green St. between Cottage and College Sts.; Leslie Ave., Liberty, Brown, and Washington Sts.
Glasgow, *Third National Bank (Barren County MRA)*, N. Green and Main Sts.
Glasgow, *U.S. Post Office/Board of Education Building (Barren County MRA)*, 202 W. Washington St.
Goodnight, *Quigley, G.F., and Son Grocery (Barren County MRA)*, Off U.S. 31–E
Hiseville vicinity, *Wood, William Johnson, House (Barren County MRA)*, E of Hiseville
Lucas vicinity, *White, Jesse and Simon, House (Barren County MRA)*, Off U.S. 31–E
Park City vicinity, *Old Zion Methodist Church (Barren County MRA)*, SR 1297
Park City, *Renfro Hotel (Barren County MRA)*, S. Dixie Ave.
Rocky Hill vicinity, *Octagon Cottage (Barren County MRA)*, Off SR 1297
Rocky Hill, *Settle, Franklin, House (Barren County MRA)*, KY 252 and KY 255
Roseville vicinity, *Landrum (Barren County MRA)*, SR 1318
Tracy vicinity, *Wooten, Joseph, House (Barren County MRA)*, Crabtree Rd.
Tracy vicinity, *Young, Asa E., House (Barren County MRA)*, Off KY 921

MARYLAND

Baltimore County

Owings Mills vicinity, *Plinlimmon Farm*, 9401 Lyons Mill Rd.

Queen Annes County

Church Hill vicinity, *Kennersley*, Clabber Hill Rd.

Talbot County

Easton vicinity, *All Saints' Church*, MD 662

SOUTH CAROLINA

Aiken County

Aiken, *Pickens House*, 101 Gregg Ave.

Bamberg County

Bamberg, *Bamberg Historic District*, E. Railroad Ave., 2nd, Midway, Elm, Cannon, N. Carlisle, and Church Sts.

Beaufort County

Bluffton vicinity, *Rose Hill Plantation House*, Off U.S. 278

Florence County

Florence, *Poynor Junior High School*, 301 S. Dargan St.

Kershaw County

Camden vicinity, *Cantey, Zachariah, House*, CR 92

Orangeburg County

Rowesville vicinity, *Cattle Creek Campground*, Off SC 210

Spartanburg County

Spartanburg, *Spartanburg Historic District*, W. Main, Magnolia, Wall, Ezell, and Spring Sts.

Union County

Union, *South Street Historic District*, Roughly South St. between Church and Boyce Sts.

UTAH

Iron County

Paragonah, *Ensign-Smith House*, 96 N. Main St.

The following property is being removed from the Pending List of April 19, 1983, because of procedural error.

NEW YORK

Dutchess County

Millbrook vicinity, *Lynfeld*, South Rd.

[FR Doc. 83-11696 Filed 5-2-83; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Privacy Act of 1974; Revision and Update of Systems of Records Notices

This notice updates and revises the information which the Department of the Interior has published describing systems of records maintained which are subject to the requirements of Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a. Except as noted below, all changes being published are editorial in nature, and reflect organizational changes and transfers of functions which have occurred since the previous publication of the material in the Federal Register.

Routine uses providing for disclosures to members of Congress in response to inquiries by individuals of record have been added in records system notices for OS-46, OS-47, OS-51, OS-86 and OS-87. The statements describing the categories of individuals covered by the system notices for OS-47 and OS-50 have been clarified. System Number OS-86, Accounts Receivable, is revised to add a compatible disclosure to consumer reporting agencies to facilitate collection of debts owed the Government.

One system notice OS-53 titled "Classified Documents" (previously published at 45 FR 55836) is removed from the inventory of the Department's Privacy Act systems of records. Such records on classified documents are not retrieved by individual name or any identifier or symbol associated with an individual name.

The following system notices are updated and re-published in their entirety below:

1. System Name: Hearings and Appeals Files—Interior, OHA-1 (Published at 46 FR 12149).

2. System Name: Emergency Defense Mobilization Files—Interior, OS-15 (Published at 45 FR 55832).

3. System Name: Discrimination Complaints—Interior, OS-18 (Published at 42 FR 19018).

4. System Name: Secretarial Subject Files—Interior, OS-46 (Published at 45 FR 55834).

5 System Name: Parking Assignment Record—Interior, OS-47 (Published at 45 FR 55834).

6. System Name: Motor Vehicle Operator's Identification Card Applications—Interior, OS-50 (Published at 47 FR 27978).

7. System Name: Property Management Accountability—Interior, OS-51 (Published at 47 FR 27978).

8. System Name: Travel Management Records—Interior, OS-52 (Published at 47 FR 27979).

9. System Name: Safety Management Information System—Interior, OS-60 (Published at 45 FR 55837).

10. System Name: Applicant Files—Interior, OS-70 (Published at 46 FR 28520).

11. System Name: Accounts Receivable—Interior, OS-86 (Published at 42 FR 19033).

12. System Name: Cash Receipts—Interior, OS-87 (Published at 42 FR 19033).

Parts I, III, IV, and V of the Appendix containing addresses of facilities of the Department which pertain to the Office of the Secretary and Other Departmental Offices (published at 45 FR 55831 and 46 FR 12146) are updated and republished. Detailed listings of field facilities have been removed to reduce printing costs and eliminate the publication of obsolescent material.

These changes are being published pursuant to 5 U.S.C. 552a(e) (4). Written comments on this proposal may be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C. 20240. Comments received within 30 days of publication in the Federal Register will be considered. The notice shall be effective as proposed without further notice unless comments are received which would result in a contrary determination.

Dated: April 28, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

Appendix

* * * * *

I. Office of the Secretary.

(All addresses are as follows unless otherwise indicate: U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240).

A. Immediate Office of the Secretary

B. Office of the Under Secretary

C. Office of the Assistant Secretary for Fish and Wildlife and Parks

D. Office of the Assistant Secretary—Land and Water Resources

E. Office of the Assistant Secretary—Energy and Minerals

F. Office of the Assistant Secretary—Policy, Budget and Adminstration.

G. Office of the Assistant Secretary—Indian Affairs

H. Office of the Assistant Secretary—Territorial and International Affairs

I. Office of the Congressional and Legislative Affairs

J. Office for Equal Opportunity

K. Office of Public Affairs

L. Office of the Information Resources Management

M. Office of Administrative Services

N. Office of Financial Management

O. Office of Personnel

P. Office of Acquisition and Property Management

Q. Office of Construction Management

R. Office of Aircraft Services—Headquarters Office, Office of Aircraft Services, 3905 Vista Avenue, Boise, Idaho 83705. Regional Office, Office of Aircraft Services, 4343 Aircraft Drive, Anchorage, Alaska 99503

S. Office of Budget

T. Office of Policy Analysis

U. Office of Environmental Project Review

V. Office of Minority Institutions Program

* * * * *

III. Office of Hearings and Appeals

Headquarters Office: Office of Hearings and Appeals, 4015 Wilson Blvd., Arlington, VA 22203

IV. Office of Inspector General

Headquarters Office, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240

V. Other Departmental Offices

(All addresses are as follows unless otherwise indicated: U.S. Department of the Interior, 18th and C. Streets, NW., Washington, D.C. 20240)

A. Office of Youth Programs

B. Office of Small and Disadvantaged Business Utilization

C. Office of Water Policy.

* * * * *

INTERIOR/OHA-1

SYSTEM NAME:

Hearings and Appeals Files—Interior. OHA-1

SYSTEM LOCATION:

(1) Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) All field facilities of

the Office of Hearings and Appeals. (Contact the System Manager for a list of addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual persons involved in hearings and appeals proceedings before the Hearings Division, Appeals Boards, and the Director, OHA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information assembled in case files pertaining to hearings proceedings, and to appeals to the Department relating to:

(a) contract disputes arising out of findings of fact or decisions by contracting officers of any bureau or office of the Department, or any field installation thereof, which are considered and decided finally for the Department by the Interior Board of Contract Appeals;

(b) Indian probate matters, including determination of heirs and approval of wills, except as to members of the Five Civilized Tribes and Osage Indians and resolution of appeals to the Department in such matters; proceedings in Indian probate relating to Tribal acquisition of certain interests of decedents in trust and restricted lands; and appeals pertaining to administrative actions of BIA officials in cases involving determinations, findings and orders protested as a violation of a right or privilege of the appellant, which are considered and decided finally for the Department by the Interior Board of Indian Appeals;

(c) appeals from decisions rendered by Departmental officials relating to the use and disposition of public lands and their resources, including land selections arising under the Alaska Native Claims Settlement Act, as amended; and the use and disposition of mineral resources in certain acquire lands of the United States and in the submerged lands of the Outer Continental Shelf, which are considered and decided finally for the Department by the Interior Board of Land Appeals;

(d) appeals from orders and decisions issued by Departmental officials and administrative law judges in proceedings relating to surface coal mining control and reclamation which are considered and decided finally for the Department by the Interior Board of Land Appeals;

(e) wildlife civil penalty assessment hearings before administrative law judges of the OHA and appeals from their orders and decisions which are considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him;

(f) appeals from orders and decisions of Departmental bureaus pertaining to relocation assistance benefits claims, considered and decided finally for the Department by the Director, OHA, or ad hoc appeals boards appointed by him;

(g) grievance proceedings involving employees of the Department, in which hearings are conducted and recommended decisions are prepared by OHA attorneys and administrative law judges under authority delegated by the Director, OHA;

(h) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in Federally assisted programs in connection with which Federal financial assistance is extended under laws administered in whole or in part by the Department of the Interior Effectuation of Title VI of the Civil Rights Act of 1964;

(i) proceedings and decisions by administrative law judges and the Director, OHA, concerning nondiscrimination in activies conducted under permits, rights-of-way, public land orders, and other Federal authorizations granted or issued under Title II of the Trans-Alaska Pipeline Authorization Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(a) R.S. 2478, as amended 43 U.S.C. sec. 1201: 5 U.S.C. sec. 301; Pub. L. 95–563, 41 U.S.C. 601. (b) 5 U.S.C. sec. 301; secs. 1, 2,, 36 Stat. 855, as amended, 856, as amended, sec. 1, 38 Stat. 586, 42 Stat. 1185, as amended, secs. 1, 2, 56 Stat. 1021, 1022; 25 U.S.C. 372, 373, 374, 373a, 373b; Act of December 31, 1970 (Pub. L. 91–627; 84 Stat 1874; 25 U.S.C. 607), amending sec. 7 of the Act of August 9, 1946 (60 Stat. 968; 25 U.S.C. 607), with respect to trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951); Act of August 10, 1972 Pub. L. 92–377; 86 Stat. 530), with respect to trust or restricted lands within the Warm Springs Reservation or within the area ceded by the Treaty of June 25, 1855 (12 Stat. 37); Act of September 29, 1972 (Pub. L. 92–443; 86 Stat. 744), with respect to trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957); R.S. 463, 465, 5 U.S.C. 301, and 25 U.S.C. 2 and 9. (c) R.S. 2478 as amended, 43 U.S.C. 1201; 5 U.S.C. 101; 43 U.S.C. 315a; 43 U.S.C. 1701(a)(5). (d) Sec. 201, Pub. L. 95–87, 91 Stat. 445, 30 U.S.C. 1201. (e) R.S. 2478, as amended, 43 U.S.C. 1201; 5 U.S.C. sec. 301; 43 U.S.C. 1601–1624. (f) Lacey Act, 18 U.S.C. sec. 43; Endangered Species Act of 1973, 16 U.S.C. sec. 1531 et seq.; Endangered Species Conservation Act of 1969 (formerly) 16 U.S.C. sec. 668aa et seq.; Marine Mammal Protection Act of 1972, 16 U.S.C. sec. 1361 et seq.; Bald Eagle Protection Act, 16 U.S.C. 668 et seq.; 5 U.S.C. 301 (g) 42 U.S.C. secs. 4601–4655; 5 U.S.C. 301. (h) 5 U.S.C. 301; 5 CFR Part 771; 5 U.S.C. 1302, 3301, 3302. E.O. 10577; 3 CFR, 1954–1958 Comp., p. 218, E.O. 10987; 3 CFR, 1959–1963 Comp., p. 519. (i) 43 CFR 17.8; 5 U.S.C. sec. 301; Title VI of the Civil Rights Act of 1964 (section 602, 42 U.S.C. 2000d–1); 43 CFR Part 17, including Appendix A thereto. (j) Sec. 403, Pub. L. 93–153, 87 Stat. 576, 5 U.S.C. 301, and 43 CFR Part 27.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for the adjudication and determination of issues in hearing and appeals proceedings. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of appellant, claimant, etc., and by OHA docket number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Case materials returned to operating bureau or office after completion of OHA functions. Records of decisions not authorized for disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203.

NOTIFICATION PROCEDURE:

System Manager or, with respect to records maintained in a field office for

which he is responsible, an administrative law judge or chief administrative law judge in charge. A written and signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or, with respect to records maintained in a field office for which he is responsible, an administrative law judge or chief administrative law judge in charge. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Records in the system include information submitted by the appellants, claimants, and other persons involved in the hearings and appeals proceedings, as well as by the Government.

INTERIOR/OS–15

SYSTEM NAME:

Emergency Defense Mobilization Files—Interior, Office of the Secretary—15.

SYSTEM LOCATION:

(1) Office of the Assistant Secretary-Policy, Budget, and Administration. (2) Office of the Assistant Secretary-Energy and Minerals, (3) Office of the Assistant Secretary-Land and Water Resources. Addess for locations: U.S. Department of the Interior, 18th and C Streets, N.W.; Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the National Defense Executive Reserve and other individuals assigned responsibilities in the event of a national defense emergency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and related records.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to administer the NDER program. Disclosures outside the Department of the Interior may be made (1) to officials of participating departments and agencies relevant to reservists assigned to their units; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form.

RETRIEVABILITY:

Indexed by individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records held for two years after individual's resignation or death.

SYSTEM MANAGER(S) AND ADDRESS:

(1) For records maintained in the Office of the Secretary, the Assistant Secretary-Policy, Budget and Administration. (2) For records maintained in the Office of the Assistant Secretary—Energy and Minerals, the Assistant Secretary—Energy and Minerals. (3) For records maintained in the Office of the Assistant Secretary—Land and Water Resources, the Assistant Secretary—Land and Water Resources.

NOTIFICATION PROCEDURE:

A written, signed request stating that the requester seeks information concerning records pertaining to him/her is required. The request shall be addressed to the appropriate System Manager. See 43 CFR 2.60 for submission requirements.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the appropriate System Manager and shall meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the appropriate System Manager and shall meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individuals.

INTERIOR/OS–18

SYSTEM NAME:

Discrimination Complaints—Interior, Office of the Secretary—18.

SYSTEM LOCATION:

(1) Office for Equal Opportunity, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) Bureau of Land Management, Alaska State Office, 701'C' Street, Box 13, Anchorage, Alaska 99513. (3) Bureau/office equal employment opportunity offices. A current listing of such offices may be obtained from System manager "(a)" below.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who claim to have been discriminated against on the basis of race, color, sex, religion, or national origin in violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), in violation of Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576), or in violation of Executive Order 11246, as amended (3 CFR Part 169 (1974 ed.)).

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains complaints of discrimination; reports of complaints investigations and supplementary documentary evidence; correspondence, including requests for information from other Federal agencies, and from minority, civil rights, women's, and community organizations; documents obtained from recipients of permits, rights-of-way, public land orders, or other Federal authorizations, and their agents, contractors, and subcontractors, under the Trans-Alaska Pipeline Authorization Act (87 Stat. 576); and miscellaneous statistical data obtained from various sources.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and its implementing regulations (43 CFR Pt. 17); Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) and its implementing regulations (43 CFR Part 27); and Executive Order 11246, as amended (3 Part 169 (1974 ed.)) and its implementing regulations (41 CFR Ch. 60).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for the investigation and resolution of complaints of discrimination in violation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000D), in violation of Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576), or in violation of Executive Order 11246, as amended (3 CFR Part 169 1974 Ed.)). Disclosures outside the Department of

the Interior may be made (1) to other Federal agencies charged with the enforcement of equal employment opportunity laws, orders and regulations, on a need-to-know basis to assist these agencies in their enforcement activities; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) of information indicating a violation or potential violation of a statute, regulation, rule order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

Indexed by name of complainant.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for manual records.

RETENTION AND DISPOSAL:

Records held for three years after close of case, then sent to storage in Federal Records Center.

SYSTEM MANAGER(S) AND ADDRESS:

(a) For complaints arising under Executive Order 11246, as amended (3 CFR Part 169 (1974 ed.)), and under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d)—Director, Office for Equal Opportunity, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (b) For complaints arising under Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576)—EEO Officer, Bureau of Land Management, Alaska State Office, 701 'C' Street, Box 13, Anchorage, Alaska 99513.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him is required, and shall be addressed to the appropriate System Manager. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access shall be addressed to the appropriate System Manager, and shall meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Complainants; recipients of permits, rights-of-way, public land orders, or other Federal authorizations, and their agents, contractors, and subcontractors, under Section 403 of the Trans-Alaska Pipeline Authorization Act (87 Stat. 576) and their employees; the administrators and recipients of Government funds from programs administered by the Department of the Interior; Federal, State, and local government agencies; community, minority, civil rights, and women's organizations; unions; members of Congress and their staffs; Bureaus and offices of the Department of the Interior; and confidential informats, to the extent they possess data otherwise unavailable.

INTERIOR/OS-46

SYSTEM NAME:

Secretarial Subject Files—Interior, Office of the Secretary—46.

SYSTEM LOCATION:

Office of the Secretary, Office of Administrative Services (PMO), Branch of Office Services, Secretary's Mail and Files Section, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those who have had correspondence with the Office of the Secretary.

CATEGORIES OF RECORDS IN THE SYSTEM:

Index cards containing the name, dates, and subject codes for retrieval of subject files, subject files of correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 43 U.S.C. 1457, 44 U.S.C. 3101, Reorganization Plan 3 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records are to support the operational, program and policy decisions of the Secretary of the Interior, Under Secretary, Solicitor, Assistance Secretaries. Disclosures outside the department are (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, and (3) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTRM:

STORAGE:

3" x 5" index cards correspondence filed in folders.

RETRIEVABILITY:

Indexed by subject.

SAFEGUARDS:

Stored in locked office.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Office Services (PMO) Office of Adminstrative Services, U.S.Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requestor seeks information concerning records pertaining to him/her.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requester, and meet the requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Correspondence or documents signed at the Secretarial level.

INTERIOR/OS-47

SYSTEM NAME:

Parking Assignment Record—Interior, Office of the Secretary—47

SYSTEM LOCATION:

Office of Administrative Services (PMO), Division of General Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual requesting a parking permit or joining a carpool from both the Federal and private sector.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain the individual's name, social security number, telephone number at work, service computation date, vehicle make and model, state of registration, license tag number, residence address, location of employment, parking space location and number, and number of carpool riders

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471, et seq., FMC 74-1 FPMR Temporary Regulation D-43.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) internal control over the assignment of parking permits (b) assistance to individuals in locating carpools. Disclosures ouside the department are (1) to a Federal agency that has jurisdiction over parking space, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation (3) of information indicating a violation of a stature, regulation, rule, order or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing of implementing the statute, rule, regulation, order of license and (4) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer printout.

RETRIEVABILITY:

Indexed by name of individual, social security number, zip code of individual's residence, organization location and license tag number

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for computerized records.

RETENTION AND DISPOSAL:

Records maintained on a current basis.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of General Services, Office of Administrative Services (PMO), U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORDS ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Data furnished by the individual.

INTERIOR/OS-50

SYSTEM NAME:

Motor Vehicle Operator's Indentification Card Applications—Interior, Office of the Secretary—50.

SYSTEM LOCATION:

Office of the Secretary—(1) Branch of Office Services, Division of General Services, Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240. (2) Division of Personnel Servies, U.S. Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or contractors in the Office of the Secretary, Other Depatmental Offices, and Independent Agencies, Councils, and Commissions who are provided administrative support, who have been issued government driver identification cards.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records contain the individual's name, title, sex, date of birth, place of birth, physical characteristics, social security number, past driving record, traffic citations, accidents for past three years, medical history, state driver license number, and road test results, when applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 491(j); 5 U.S.C. 1302, 3301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is internal control over the issuance of government driver identification cards. Disclosure outside the Department are, (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (2) of information indicating a violation or potential violation of a statute, regulation, rule, order of license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statue, rule, regulation, order or license (3) to a Federal agency where necessary to obtain information relevant to the issuance of an operator's permit, and (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on form DI-131-Rev. and Standard Form 47.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Stored in locked office.

RETENTION AND DISPOSAL:

Subject to general records schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Office Services, Office of Administrative Services and Chief, Division of Personnel Services, Office of Administrative Services, Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Federal employees applying for a government driver identification card.

INTERIOR/OS-51

SYSTEM NAME:

Property Management Accountability—Interior, Office of the Secretary—51.

SYSTEM LOCATION:

Branch of Office Services, Division of General Services, Office of Administrative Services (PMO), Office of the Secretary, U.S. Department of the Interior, Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals designated as Responsible Officers in the Office of the Secretary, Other Departmental Offices, and Independent Agencies, Councils, and Commissions who are provided administrative support and who are charged with the care, utilization, recordkeeping, etc., for property assigned to them.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records system contains computer identification codes for each Responsible Officer and descriptive data about each piece of property (excluding supplies) assigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 483(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is the internal control of property assigned to offices. Disclosures outside the Department are (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) to respond to General Accounting Office audits, and (4) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on computer media.

RETRIEVABILITY:

System is indexed by code assigned to each Responsible Officer or by various property system codes.

SAFEGUARDS:

Maintained with safeguards meeting the "Computer Security Guidelines for Implementing the Privacy Act of 1974."

RETENTION AND DISPOSAL:

Destroyed when obsolete.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Office Services, Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Submit requests to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Responsible Officer who is assigned the property by code.

INTERIOR-OS-52

SYSTEM NAME:

Travel Management Records—Interior, Office of the Secretary—52.

SYSTEM LOCATION:

Branch of Travel Services, Office of Administrative Services (PMO), Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or individuals who travel on official business on behalf of the Department of the Interior, Mine Safety and Health Administration (MSHA), Department of Labor Regional Solicitor in Philadelphia, Penna., and Independent Agencies, Councils, and Commissions who are provided administrative support.

CATEGORIES OF RECORDS IN THE SYSTEM:

The records system contains passports, visas, printouts of airline ticket payment reports, Government transportation requests, and travel tickets.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701, et seq.

ROUTINE USE OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary used of the records are making reservations, generating tickets, and transferring travel tickets to fiscal services for payment. Disclosures outside the Department are (1) to the airlines for travel and reservation purposes, (2) the transfer of passports and visa to other Federal agencies, (3) to the U.S. Department of Justice when related to litigation or anticipated litigation, and (4) of information indicating a violation or potential violation of a potential violation of a statute regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (5) from the record of and individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Printouts and tickets maintained in folders. Government transportation requests, passports, and visas are maintained in a locked safe.

RETRIEVABILITY:

Printouts filed by bureau. Government transportation requests filed by number and name. Passports and visas filed by name.

SAFEGUARDS:

Passports, visas, and Government transportation requests, log books stored in a locked room in manipulation proof three way combination lock steel safes. Printouts stored in a locked office. Access granted only to designated personnel.

RETENTION AND DISPOSAL:

General Records Schedule No. 9, Item No. 4.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Travel Services, Office of Administrative Services, Department of the Interior, 18th and C Street, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

A written and signed request stating that the requester seeks information concerning records pertaining to him/her. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

Submit request to the System Manager. The request must be in writing, signed by the requester, and meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Federal employees and individuals who travel on behalf of the Department.

INTERIOR/OS-60.

SYSTEM NAME:

Safety Management Information System—Office of the Secretary—60.

SYSTEM LOCATION:

(1) Division of Safety Management, Office of Acquisition & Property Management, Office of the Secretary, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240. (2) All field offices and bureau headquarters retain copies of source document.

CATEGORIES OF INDIVIDUALS COVERD BY THE SYSTEM:

Employees, contractors, concessioners and public visitors to Interior facilities who have been involved in an accident resulting in personal injury, and/or property damage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains the name, social security number (employees only), occupation, date and location of accident; data elements about the accident for analytical purposes; and descriptive narrative concerning the reason for the loss producing event.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. 7901, (2) 28 U.S.C. 2671–2680, (3) 31 U.S.C. 240–243, (4) Executive Order 12196 (1980), (5) 29 CFR 1960.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) provide summary data of injury, illness and property loss information to bureaus in a number of formats for analytical purposes in establishing program to reduce or eliminate loss producing problem areas, (b) provide listings of individual cases to bureaus to insure that accidents occurring are reported through the Safety Management Information System, and (c) adjudicating tort and employee claims. Disclosures outside the Department of the Interior may be made, (1) to a Federal, State or local government agency that has partial or complete jurisdiction over the claim or related claims; (2) provide to the Department of Labor quarterly summary listings of fatalities and disabling injuries and illnesses in compliance with 29 CFR 1960.6; (3) to the U.S. Department of Justice when related to litigation or anticipated litigation; (4) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; and (5) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.

STORAGE:

Records are maintained on magnetic tape, with copies of source document maintained at bureau safety management headquarters, regional, and field offices where accident is reported.

RETRIEVABILITY:

System is indexed by bureau assigned document control number.

SAFEGUARDS:

Maintained with safeguards meeting the 'Computer Security Guidelines for Implementing the Privacy Act of 1974.'

RETENTION AND DISPOSAL:

Data stored on magnetic tape is retained as a permanent record. Source documents are to be retained at the field level for five years following end of the calendar year to which the record relates.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Safety Management, Office of Acquisition & Property Management, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

System manager or the field office in which the source document pertaining to the individual would be filed. The source document contained in the field office need not be maintained more than five calendar years past the date of the record as indicated in records disposal. A written and signed request stating that the requester seeks information concerning records pertaining to him/her is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager or the field safety office in which the source document for the individual would be filed. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment shall be addressed to the System Manager and must meet the requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Supervisor of employee involved in accident. Investigation conducted by supervisor of employee and may include safety professionals and other management officials of the involved bureau of office.

INTERIOR/OS-70

SYSTEM NAME:

Applicant Files–Interior, Office of the Secretary—70.

SYSTEM LOCATION:

(1) Office of the Solicitor, U.S. Department of the Interior, 18th and C Streets, NW., Washington, D.C. 20240. (2) Office of Hearings and Appeals, U.S. Department of the Interior, 4015 Wilson Blvd., Arlington, Virginia 22203.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for employment.

CATEGORIES OR RECORDS IN THE SYSTEM:

Applicants, recommendations, interview notes and other documents utilized to determine eligibility, suitablility and qualifications for Federal civilian employment maintained subject to applicable Office of Personnel Management requirements, including Office of Personnel Management Rule VI and Chapter 302 of the Federal Personnel Manual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 3101, 43 U.S.C. 1457, Reorganization Plan 3 of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for the hiring of applicants. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementating the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual; (4) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders.

RETRIEVABILITY:

By individual name.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51.

RETENTION AND DISPOSAL:

Current applications retained.

SYSTEM MANAGER(S) AND ADDRESS:

(1) For the Office of the Solicitor: Director of Administration, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240. (2) For the Office of Hearings and Appeal: Director, Office of Hearings and Appeals, U.S. Department of the Interior 4015 Wilson Blvd., Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the appropriate systems manager. A written signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the appropriate System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendments should be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(5), the Department of the Interior has adopted a regulation, 43 CFR 2.79(c), which exempts this system from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) to the extent that it consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment. The reasons for adoption of this regulation are set out at 40 FR 37217 (August 26, 1975).

INTERIOR/OS-86

SYSTEM NAME:

Accounts Receivable—Interior, Office of the Secretary—86.

SYSTEM LOCATION:

Division of Fiscal Services, Office of Administrative Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All debtors including employees, former employees, business firms, private citizens and institutions. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system which pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.)

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address, amount and basis including goods, services or overpayments therefor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) U.S.C. 5701–09. (2) FPMR 101–7. (3) Treasury Fiscal Requirements Manual. (4) 31 U.S.C. 952.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are for billing and follow-up. Disclosure outside the Department of the Interior may be made (1) to the U.S. Department Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual, and (4) to consumer reporting agencies to facilitate collection of debts owed the Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form.

RETRIEVABILITY:

Indexed by appropriation or fund to be credited.

SAFEGUARDS:

Maintained in locked room when not in use.

RETENTION AND DISPOSAL:

Retained until payment is received and then incorporated in collection records.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Fiscal Services, Office of Administrative Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must be in writing and be signed

by the requester. The request must meet the content requirements of 43 CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Debtor, accounting records.

INTERIOR/OS-87

SYSTEM NAME:

Cash Receipts—Interior, Office of the Secretary—87.

SYSTEM LOCATION:

Division of Fiscal Services, Office of Administrative Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons paying for goods or services, returning overpayments or otherwise delivering cash. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. Some of the records in the system pertain to individuals may reflect personal information, however. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities and organizations. These records are not subject to the Privacy Act.)

CATEGORIES OR RECORDS IN THE SYSTEM:

Individual's name, the goods or services purchased, check number, date and treasury deposit number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to account for monies paid to the Office of the Secretary. Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order of license, and (3) to a Member of Congress from the record of an individual in response to an inquiry made at the request of that individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and machine readable.

RETRIEVABILITY:

Date and name.

SAFEGUARDS:

Maintained in locked room when not in use.

RETENTION AND DISPOSAL:

Retained on site until audited by GAO or transferred to a Federal Records Center in accordance with the fiscal records program approved by GAO, if appropriate, or the applicable GSA General Record Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Fiscal Services, Office of Administrative Services, U.S. Department of the Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required. See 43 CFR 2.60.

RECORD ACCESS PROCEDURES:

A request for access may be addressed to the System Manager. The request must meet be in writing and be signed by the requester. The request must meet the content requirements of 43–CFR 2.63.

CONTESTING RECORD PROCEDURES:

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

RECORD SOURCE CATEGORIES:

Individual remitters

[FR Doc. 83-11734 Filed 5-2-83; 8:45 am]
BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers; Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of Approved Exemptions.

SUMMARY: the motor carriers shown below have been granted 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: The exemptions will be effective on June 2, 1983. Petitions for reconsideration must be filed by May 23, 1983. Petitions for stay must be filed by May 13, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood. (202) 275–7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, D.C. 20423; or call (202) 289–4357 in the DC metropolitan area; or (800) 424–5403 Toll-free outside the DC area.

Decided: April 25, 1983.

Agatha L. Mergenovich,

Secretary.

[No. MC–F–15066]

BRADLEY FREIGHT LINES, INC.—Merger exemption—C & C TRANSPORT, INC. Addresses: Send pleadings to: (1) Motor Section, Room 3139, Interstate Commerce Commission, Washington, DC 20423 and (2) Petitioners' representative, Henry E. Seaton, 929 Pennsylvania Bldg., 13th and Pennsylvania Ave., N.W., Washington, DC 20004. Pleadings should refer to No. MC–F–15066. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(1), the merger of C & C Transport into Bradley Freight Lines. By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Sterrett would not have the exemption authority lapse after one year.

[No. MC–F–15096]

MAKO SERVICES INC.—purchase exemption—A & A TRANSPORT, INC. Addresses: send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423 and (2) Petitioners' representative, Arlyn L. Westergren, Westergren, Hauptman & O'Brien, P.C., Suite 201, 9202 W. Dodge Road, Omaha, NE 68114. Pleadings should refer to No. MC–F–15096. Under 49 U.S.C. 11343(e),

the Interstate Commerce Commission exempts from the requirements of prior review and approval under 49 U.S.C. 11343(a), the purchase by Mako Services, Inc. (No. MC–157834) of the authorities issued to A & A Transport, Inc., in No. MC–145679 (Sub-Nos. 18, 19, and 22).

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

[FR Doc. 83-11726 Filed 5-2-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Decision-Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 1, (202) 275–7992.

Volume No. OP1–FC–155

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC–FC–81377. By decision of April 26, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to ALPHA VAN LINES, INC., Springfield, VA, of Certificate No. MC–36900 (Sub-No. 20), issued April 22, 1983, to CONTAINER IN TRANSIT, INC., Alexandria, VA, authorizing the transportation over irregular routes, of household goods, between points in the U.S. (except AK and HI). Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204

MC–FC–81399. By decision of April 26, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to ALBERT N. WATERS, d/b/a/ NEAL'S TRUCKING, of Certificate No. MC–154581, issued April 22, 1982, to SANDPIPER CONTAINER TRUCKING, INC., Seattle, WA, authorizing the transportation of general commodities (except classes A and B explosives and household goods as defined by the Commission), in containers or trailers having a prior or subsequent movement by water, between points in WA and Multnomah County, OR, on the one hand, and, on the other, points in WA, and Multnomah, Washington, and Clackamas Counties, OR. An application for temporary authority has been filed. Representative: Larry C. Leonardson, 3530 Sea-1st Fifth Avenue Plaza, 800 Fifth Avenue, Seattle, WA 98104.

MC–FC–81409. By decision of April 26, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 1 approved the transfer to AAA MOVING SERVICES, INC., Savannah, GA, of Certificate No. MC–1840, issued April 30, 1965, to GIVENS TRANSFER COMPANY, INC., Savannah, GA, authorizing the transportation of household goods, as defined by the Commission, between Savannah, GA, and points in GA within 50 miles of Savannah, on the one hand, and, on the other, points in GA, SC and FL. Applicants' representative: L. T. Givens, Jr., 8 Warner Street, P.O. Box 1965, Savannah, GA 31402.

Volume No. OP1–FC–156

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC–FC–81395. By decision of April 22, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 2 approved the transfer to GULF CARRIERS, INC., of Houston, TX, of Certificate No. MC–148101, issued December 22, 1980, to GALENA PARK TRUCKING COMPANY, of Houston, TX, authorizing the transportation of general commodities) except classes A and B explosives), between the commercial zones of (a) Houston, TX, (b) Galveston, TX, (c) Texas City, TX, (d) Baytown, TX, (e) Beaumont, TX, (f) Port Arthur, TX, (g) Orange, TX, (h) La Porte, TX, (i) Port Lavaca, TX, (j) Corpus Christi, TX, (k) Bay City, TX, (l) Port O'Conner, Texas, (m) Brownsville, TX, (n) New Orleans, LA, (o) Baton Rouge, LA, and (p) Lake Charles, LA, restricted to traffic having a prior or subsequent movement by water. Representative: James B. Eaton, 9219 Katy Fwy., Suite 140, Houston, TX, 77024, (713) 461–2430

[FR Doc. 83-11725 Filed 5-3-83; 8:45 am]
BILLING CODE 7035-01-M

[No. 39093 et al.] [1]

Motor Carriers; Joseph Moving & Storage Co.—Petiton for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Three motor contract carriers have each requested exemption from the tariff filing requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisonally granted for future as well as existing contracts.

DATE: Comments are due on May 18, 1983. The sought relief will become final on June 2, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing this relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT:
Elaine Dobbins, (202) 275–6272
or
Howell I. Sporn, (202) 275–7691.

[1] This proceeding embrsces three petitions for exemption filed by motor contract carriers: No. 39093, Joseph Moving & Storage Co.; No. 39095, Allied Van Lines, Inc.; and No. 39096, Dutra Trucking Co., Inc.

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, 12th and Constitution Ave., N.W., Washington, DC, 20423, or call 289-4357 in the DC metropolitan area or toll free (800) 424-5403.

(49 U.S.C. 10702(b), 10761(b), and 10762(f))

Decided: April 25, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich

Secretary.

[FR Doc. 83-11737 Filed 5-2-83; 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 representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

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."

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-185

Decided: April 22, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167385, filed April 11, 1983. Applicant: M T S AGENCIES, INC., 63-69 Hook Rd., Bayonne, NJ 07002. Representative: Paul Semack (same address as applicant), (201) 823-4801. As a *broker of general commodities* (except household goods), between points in the U.S.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-152

Decided: April 26, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167531, filed April 19, 1983. Applicant: McGRATH SALES ASSOCIATES, 23 Biscayne Parkway, Nashua, NH 03060. Representative: Edward F. McGrath (same address as applicant) (603) 889-1708. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167550, filed April 20, 1983. Applicant: CHARLES J. JOHNSON, d.b.a. CHASER FREIGHT BROKER COMPANY, 9233 S. Bishop, Chicago, IL 60620. Representative: Charles J. Johnson (same address as applicant), (312) 233-3840. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP1-154

Decided: April 26, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 167510, filed April 18, 1983. Applicant: GENERAL COMMODITIES BROKERAGE CO., 1525 NW 78th, Clive, IA 50013. Representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, IA 50309, (515) 245-4300. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Agatha L. Mergenovich,

Secretary

[FR Doc. 83-11731 Filed 5-2-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Fowarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed

by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-189

Decided: April 26, 1983.

MC 166874, filed March 18, 1983, previously noticed in the **Federal Register** on April 7, 1983. Applicant: RIDDLE TRUCKING, INC., RR 2, Box 256, Montgomery City, MO 63361. Representative: Herman W. Huber, 101 East High St., Jefferson City, MO 65101, (314) 636-9131, Transporting *soybean oil, soybean meal and related products,* between points in Audrain County, MO, on the one hand, and, on the other, points in AR IL, IA, and MO.

Note.—This republication corrects the commodity description.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-153

Decided: April 26, 1983.

MC 38591 (Sub-4), filed April 18, 1983. Applicant: NATIONWIDE MOVING & STORAGE CO., INC., P.O. Box 498, Bloomfield, CT 06002. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, D.C. 20036, (202) 785-0024. Transporting *household goods and funiture and fixtures,* between points in the U.S. (except AK and HI).

MC 115651 (Sub-109), filed April 18, 1983. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703, (608) 256-7444. Transporting *commodities in bulk,* between points in the U.S. (except AK and HI).

MC 134501 (Sub-95), filed April 14, 1983. Applicant: INCORPORATED CARRIERS, LTD., a Division of MICROTON INDUSTRIES, INC., P.O. Box 3128, Irving, TX 75061. Representative: David B. Schneider, 210 W. Park Ave., Suite 1120, Oklahoma City, OK 73102, (405) 232-9990. Transporting *general commodities,* between points in the U.S. (including AK and HI). Condition: To the extent that the certificate issued in this proceeding will authorize the transportation of classes A and B explosives, it will expire 5 years from the date of issuance.

MC 150951 (Sub-21), filed April 15, 1983. Applicant: CRANSTON TRUCKING COMPANY (Division of Cranston Print Works Co.), 1381 Cranston St., Cranston, RI 02920. Representative: Paul M. Overton (same address as applicant), (401) 943-4800. Transporting *textile mill products,* between points in the U.S., under continuing contract(s) with Eastern Sportswear Manufacturing Co., of New Bedford, MA.

MC 157421 (Sub-2), filed April 15, 1983. Applicant: JESSE ROBERTS, d.b.a. POWER TRANSPORT, East 6607 Broadway, Spokane, WA 99206. Representative: Andrew D. Shafer, Suite 1200, IBM Building, Seattle, WA 98101, (206) 624-7373. Transporting *lumber and building materials,* between points in the U.S. (except AK and HI).

MC 160861 (Sub-2), filed April 15, 1983. MARVIN WARD, d.b.a. MARVIN WARD TRUCKING, 2607 Shenandoah, Tyler, TX 75701. Applicant: Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255-6279. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OK, NM, and TX, on the one hand, and, on the other, points the U.S. (except AK and HI).

MC 167320, filed April 18, 1983. Applicant: PHILIP R. DYCKOWSKI, d.b.a. DYCKOWSKI TRUCKING, 7776 Kiszonas Lane, Armstrong Creek, WI 54103. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705-0086, (608) 238-3119. Transporting *lumber and wood products*, between points in Forest County, WI, on the one hand, and, on the other, points in IL, IN, IA, MI, and MN.

MC 167460, filed April 15, 1983. Applicant: HOFFMAN GRAIN & STEEL, INC., P.O. Box 145, Route 1, Chickasha, OK 73108. Representative: Charles E. Munson, 500 West Sixteenth, P. O. Box 1945, Austin, TX, 78767, (512) 478-9808. Transporting *metal products*, between points in TX, LA, OK, KS, CO, NE, MO, and IL.

For the following, please direct status calls to Team 2 at 202-275-7030.

Volume No. OP2-195

Decided: April 28, 1983.

MC 118263 (Sub-2), filed April 13,1983. Applicant: COLDWAY CARRIERS, INC. P.O., Box 2038, Clarksville, IN 47130. Representative: George M. Catlett, Suite 700-702, McClure Bldg. Frankfort, KY 40601, 502-227-7384. 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 Kraft, Inc., of Glenview, IL.

MC 145313(Sub-2), filed April 11, 1983. Applicant: CODE THREE AVIATION, INC., 22845 Mariano St., Woodland Hills, Ca 91367. Representative: Alexander Adams (same address as applicant), 213-780-0727. Transporting *such commodities* as are dealt in or used by chain grocery stores and food business houses, between points in CA, OR, WA, ID, NV, UT, CO, AZ, NM, TX, WY, and MT.

MC 146313 (Sub-5), filed April 12, 1983. Applicant: WILLIAM E. MULLENAX, d.b.a. MULLENAX REFRIGERATED TRANSPORT, Route 220 S., Petersburg, WV 26847. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215, 614-228-8575. Transporting *food and related products*, between points in OH, KY, WV, VA, IN, and IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167143, filed March 31, 1983. Applicant: SIKES TRANSPORTATION COMPANY, a Division of SIKES CORPORATION, U.S. Highway 127, and State Rd. 512, Lawrenceburg, KY 40342. Representative: M. Craig Massey, 1701 South Florida Ave., P.O. Drawer 2787, Dixieland Station, Lakeland, FL 33806-2787, 813-682-1178. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 167332, filed April 11, 1983. Applicant: EDDIE CRUZ, d/.b./a. E & C FREIGHTLINES, 1350 S. Manhattan Ave., Fullerton, CA 92631. Representative: Milton W. Flack, 8484 Wilshire Blvd., #840, Beverly Hills, CA 90211, 213-655-3573.Transporting *furniture and fixtures*, between Los Angeles, CA, and Points in Tarrant County, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167342, filed April 11, 1983. Applicant: CENTERVILLE MOVING & STORAGE CO., INC., 7825 Congress Park Dr., Centerville, OH 45459. Representative: B. W. LaTourette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105, 314-727-0777. Transporting *household goods and furniture and fixtures*, between points in the U.S. (except AK, HI, WA, OR, CA, NV, ID, UT, AZ, NM, WY, MT, ND, and SD).

MC 167422, filed April 15, 1983. Applicant: CENTRAN, INC., 1450 Dewey Ave., P.O. Box 3156, Williamsport, PA 17701. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893-3050. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Cenpro, Inc., of Williamsport, PA.

MC 167432, filed April 15, 1983. Applicant: RALPH R. BLUM, 2913 N. Kidder Creek Rd., Greenview, CA 96037. Representative: Ralph R. Blum (same address as applicant), 916-468-5435.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.

[FR Doc. 83-11732 Filed 5-2-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP2-194]

Motor Carriers; Permanent Authority Republications of Grants of Operating Rights Authority Prior to Certification

The following grants of operating right authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously notice in the **Federal Register**.

An original and one copy of an appropriate petition for leave to intervene, setting forth in detail the precise manner in which petitioner has been prejudiced, must be filed with the Commission within 30 days after the date of this **Federal Register** notice.

By the Commission.

Agatha L. Mergenovich,

Secretary.

MC 152183 (Sub-4) (Republication) filed April 28, 1982, published in the **Federal Register** issue of June 2, 1982, and republished this issue. Applicant: FLAMINGO TRANSPORT, INC., P.O. Box 890, Adairsville, GA 30103. Representative: Frank Linn (same address as applicant). A decision of the Commission, *Division 2*, Acting as an Appellate Division, Commissioners Andre, Gilliam and Taylor, decided December 21, 1982, and served December 28, 1982, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities*, between Blanche and Blue Pond, AL., Bartlett, Cartago, Cosco, Inyokern, Little Lake, Lone Pine, Olancha, Pencilwood, and Swanston, CA, Dundee, Lake Hamilton, and Waverly, FL, Chelsea and Menlo, GA, Corral and Hill City, ID, Addison, Grand Tower, Mooseheart, and Sand Ridge, IL, LaOtto, IN, Orange City, IA, Viola and Wier, KS, Benton and Hardin, KY, Amesbury and Salisbury, MA, Alden, Bellaire, Bendon, Central Lake, Chief Lake, Interlochen, Kaleva, Norwalk, and Rapid City, MI, Key West, MN, Fairfax and Tarkio, MO, Huntley and Ragan, NE, Pactolus, Stokes, and Whichard, NC, Dunseith, ND, and Ehrhardt and Lodge, SC, on the one hand, and, on the other, points in the United States; that applicant is fit, willing, and able properly to perform the service authorized and to conform to statutory and administrative requirements. The purpose of this republication is to broaden commodity and territorial description.

MC 154762 (Sub-1) (Republication) filed March 13, 1981, published in the **Federal Register** issue of April 9, 1981,

and republished this issue. Applicant: M.C.H. TRUCKING CORP., 494 Howe St., Prattsburg, NY 14873. Representative: Kenneth M. Piken, Queens Office Tower, 95–25 Queens Boulevard, Rego Park, NY 11374. A Decision of the Commission, *Review Board 1*, decided February 2, 1983 and served February 14, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *contract carrier*, by motor vehicle, transporting *dairy products and such commodities* as are dealt in by dairies, between points in the United States, under continuing contract(s) with Kellogg Company, of Battle Creek, MI, and Elmhurst Milk & Cream Co., Inc., and subsidiaries, Worcester Creameries Corp., and Honeywell Farms, Inc., of Jamaica, NY; 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 is to include the phase "and its subsidiaries".

MC 164532 (Republication) filed November 2, 1982, published in the **Federal Register** issue of November 18, 1982, and republished this issue. Applicant: H & J TRANSPORTATION, INC., 801 East St., Memphis, TN 38104. Representative: Michael E. Doyle (same as applicant). A Decision of the Commission, *Review Board 2*, decided March 8, 1983 and served March 14, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce, over irregular routes, as a *common-carrier*, by motor vehicle, transporting (2) *chemicals and related products*, between points in the United States (except Alaska and Hawaii), that applicant is fit, willing, and able properly to perform the service authorized and to conform to statutory and administrative requirements. The purpose of this republication is to show broadening of authority.

[FR Doc. 83–11730 Filed 5–2–83; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. OP2–196]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 27, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was publised in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Review Board No. 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, at (202) 275–7030.

MC 133403 (Sub-6X), filed April 11, 1983. Applicant: HUDSON TRANSIT CORPORATION, P.O. Box 386, Montgomery, NY 12549. Representative: Samuel B. Jamieson, Jr. (same address as applicant), 201–529–3666. Lead: (A) remove restrictions (1) "No passenger shall be discharged at Corning, NY, on westbound trips or picked up at Corning, NY, on eastbound trips." (2) "Service at Vestal, NY shall be limited to that of tacking and/or joinder." (3) "No service shall be provided at any point intermediate to Binghamton NY, and Corning, NY, except Vestal, NY as stated immediately above," and (B) authorize service at all intermediate points over described regular route extending between junction NY Hwys 17(C) and 26 at Endicott, NY, and junction NY Hwys 17 and 26 at Vestal, NY.

[FR Doc. 83–11723 Filed 5–2–83; 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 ICC 113 (1982), 47 FR 53303 (November 24, 1982).

DATE: Comments must be received within 30 days after the date of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275–7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: April 26, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

Volume OP4–F–252

[No. MC–F–15245]

Trailer Transit, Inc.—Purchase Exemption—Sawyer Transport, Inc. (Nathan Yorke, Trustee-in-Bankruptcy)

Trailer Transit, Inc. (Trailer) (MC–160088) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of those operating rights of Sawyer Transport, Inc. (Sawyer) (MC–123407 and 15075) found (a) in paragraphs (5) (a) and (b), (17), (43), (48), (53), (131), (142) (a) and (b), (174), (200), (219), (222), (236), (240), (315), (63), (12) (a) and (b), (20), (27), (59), (73), (88), (38), (109), (8), (139) (a), (b), (c), (d), (e), (f), and (g), and (324) of its Sub-No. 668X certificate, including the underlying authorities in paragraph (6) of its lead certificate and in its Sub-Nos. 22, 44, 82, 98, 107, 272, 283, 340, 396, 430, 434, 460F, 466F, 628F, 125, 29, 52, 61, 118, 139, 171, 72, 219, 20, and 643F certificates, (b) in its Sub-Nos. 660FF, 672, 655F, 658F, 41, 85, 87, 140, 381, 407, 441F, 450F, 462F, 519F, 522, 541F, 549, 613, 640F, 641F, 648F, 654F, 657F, 659F, and 671 certificates and (c) in its Sub-Nos. 2F, 3F, 4F, 5F, and 6 permits. These certificates and permits authorize the transportation of numerous commodities between numerous points throughout the country. In addition, temporary authority is sought for Trailer to lease Sawyer's

operating rights pending disposition of the petition for exemption.

Send comments to:

(1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423.

and

(2) Petitioner's representative: Carl L. Steiner, 135 S. LaSalle St., Chicago, IL 60603.

Comments should refer to No. MC–F–15245.

[FR Doc. 83–11724 Filed 5–2–83; 8:45 am]

BILLING CODE 7035–01–M

[No. 38887 (Sub-1) et al.[1]]

Motor Carriers; RTC Transportation, Inc.—Petition for Exemption From Tariff Filing Requirements

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Eight motor contract carriers have each requested exemption from the requirements of 49 U.S.C. 10702, 10761, and 10762. The sought relief is provisionally granted for future as well as existing contracts.

DATES: Comments are due on May 18, 1983. The sought relief will become final on June 2, 1983, unless, in response to timely filed adverse comments, the Commission issues a further decision withdrawing the relief.

ADDRESS: Send an original and 15 copies of comments to: Room 2139, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Elaine Dobbins (202) 275–6272

or

Howell I. Sporn (202) 275–7691

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, D.C. 20423, or call 289–4357 in the DC metropolitan area or toll free (800) 424–5403.

Decided: April 25, 1983.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett.

[1] This proceeding embraces eight petitions for exemption filed by motor contract carriers:

No. 38887 (Sub-No. 1) RTC Transportation, Inc.
No. 39161 Buffalo Wood, Inc.
No. 39162 market Support Services, Inc.
No. 39163 K.I.T. Motor Express, Inc.
No. 39164 Dash Transportation, Inc.
No 39170 Central Transport, Inc.
No. 39171 Graebel Van Lines, Inc.
No. 39173 I.W. Transport, Inc.

Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–11729 Filed 5–2–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30134]

Rail Carriers; Andalusia and Conecuh Railway Company, Inc.-Exemption From Various Provisions of 49 U.S.C. Subtitle IV

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the Andalusia and Conecuh Railroad Co., Inc., from the provisions of 49 U.S.C. Chapters 107, 109 (except for 49 U.S.C. 10905(f)(4) for two years), and 111, and from the securitites provisions of 49 U.S.C. 11301, for its proposed service between Gantt and Andalusia, AL.

DATES: This exemption will be effective on June 2, 1983. Petitions for stay must be filed May 13, 1983, and petitions for reconsideration must be filed by May 23, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30134 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's representative: Charles J. Streiff, 1610 Two Chatham Center, Pittsburgh, PA 15219

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained n the Commission's decision. To purchase a copy of the full decision, write T.S. InfoSystems, Inc. Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan Area) or toll free (800) 424–5403.

Decided: April 26, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–11728 Filed 5–2–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 30102]

Continental Group, Inc.—Control Exemption—Motor Carrier

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Interstate Commerce Commission exempts the acquisition of control of an as yet to be formed motor carrier by the Continental Group, Inc. from the requirements of prior approval under 49 U.S.C. 11343 *et seq.*

DATES: The exemption will be effective June 3, 1983. Petitions for stay must be filed by May 16, 1983, and petitions for reconsideration must be filed by May 25, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30102 to:

Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423

Petitioner's representative: Daniel C. Sullivan, 180 North Michigan Ave., Chicago, IL 60601

FOR FURTHER INFORMATION CONTACT: Louise E. Gitomer, (202) 275–7245.

SUPPLEMENTAL INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289–4357 (D.C. Metropolitan area) or toll free (800) 424–5403.

Decided: April 26, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–11857 Filed 5–2–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decision; Decision-Notice

Correction

In FR Doc. 83–7968 beginning on page 13107 in the issue of Tuesday, March 29, 1983, make the following corrections:

1. On page 13110, column one, paragraph one, "MC 166453," line thirteen, "ND," should appear between "MT" and "NE".

2. On page 13110, column one, paragraph one, "MC 166453," line fourteen, "VA" should read "WA".

BILLING CODE: 1505–01–M

DEPARTMENT OF JUSTICE

National Institute of Justice

Solicitation; Development of National Baseline Information on Offender Processing Costs

The National Institute of Justice announces a competitive solicitation for a cooperative research agreement entitled, Development of National Baseline Information on Offender Processing Costs. It is anticipated that approximately $750,000 will be allocated for a single award with a 21-month study period. Funding recommendations will be made to the Director of the National Institute of Justice by a Peer Review Panel composed of internal staff and outside experts. To be eligible for consideration, proposals must be received by Friday, July 1, 1983.

Copies of this solicitation can be obtained by writing the Director, Office of Research and Evaluation Methods, National Institute of Justice, 633 Indiana Avenue, NW., Washington, DC 20531 or by calling the Project Manager, Dr. Edwin Zedlewski, at (202) 724–8265.

James K. Stewart,

Director.

[FR Doc. 83-11770 Filed 5-2-83; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period April 18, 1983–April 22, 1983.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–13,784; Hawera Tool Manufacturing Co., Jackson, MS

TA–W–13,786; L.F. Fales Machine Co., Walpole, MA

TA–W–13,594; Republic Steel Corp., Central Alloy District, Basic Steel Plant Canton, OH

TA–W–13,596; Republic Steel Corp., Central Alloy District, Massillon Works, Massillon, OH

TA–W–13,690; W.T. Armstrong Co., Elkhart, IN

TA–W–13,624; Wheeling-Pittsburgh Steel Corp., Yorkville, OH

TA–W–13,666; Reynolds Metals Co., Plant #1, #3, #15, Louisville, KY

TA–W–13,667; Roma Printing & Finishing Corp., Paterson, NJ

TA–W–13,718; Monarch Machine Tool Co., Cortland, NY

TA–W–13,746; Shieldalloy Corp., Newfield, NJ

TA–W–13,793; Superior Electric Products Corp., Cape Girardeau, MO

TA–W–13,623; Wheeling-Pittsburgh Steel Corp., Beech-Bottom, WV

TA–W–13,792; Republic Street Corp., Southern District, Gadsden, AL

TA–W–13,816; Boris Smoler & Sons, Inc., Elkhart, IN

TA–W–13,379; Cleveland Pneumatic Co., Cleveland OH

TA–W–13,881; Metals Applied Co., Cleveland, OH

In the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA–W–13,828; Opelika Manufacturing Corp., Whitehouse Manufacturing Co. Div., Miami, FL

TA–W–13,747; AFA Corp., Miami Lakes, FL

In the following cases the investigation revealed that criterion (3) had not been met for the reasons specified.

TA–W–13,932; Ames Coal Co., Logan County, WV

Aggregate U.S. imports of coke did not increase as required for certification.

TA–W–13,934; Calgon Corp., South San Franciso, CA

Aggregate U.S. imports of magnesium oxide are negligible.

TA–W–13,989; Badger Coal Co., Grand Badger #1, Sago, WV

Aggregate U.S. imports of cola or coke did not increase as required for certification.

Affirmative Determinations

TA–W–13,661; Levi Strauss & Co., Laredo, TX

A certification was issued covering all workers of the firm separated on or after September 1, 1981 and before April 15, 1982.

TA–W–13,888; Friend Manufacturing Corp., Gasport, NY

A certification was issued in response to a petition received on October 2, 1982 covering all workers separated on or after October 15, 1981.

TA–W–13,861; U.S. Steel Corp., Clairton Works, Clairton, PA

A certification was issued covering all workers engaged in employment related to the production of hot rolled carbon steel bars, coke, & coal chemical by-products of the firm separated on or after October 15, 1981.

TA–W–13,556; Carpenter Technology, Steel Div., Reading, PA—Plant and Headquarters

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA–W–13,557; Carpenter Technology, Steel Div., Bridgeport, CT

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA–W–13,558; Carpenter Technology, Steel Div., Hapeville, GA

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA–W–13,559; Carpenter Technology, Steel Div., Mansfield, MA

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA–W–13,560; Carpenter Technology, Steel Div., Charlotte, NC

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,561; Carpenter Technology, Steel Div., Melrose Park, IL

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,562; Carpenter Technology, Steel Div., Cincinnati OH

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,563; Carpenter Technology, Steel Div., Cleveland, OH

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,564; Carpenter Technology, Steel Div., Dallas, TX

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,565; Carpenter Technology, Steel Div., Troy, MI

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,566; Carpenter Technology, Steel Div., Hartford, CT

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,567; Carpenter Technology, Steel Div., Houston, TX

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,568; Carpenter Technology, Steel Div., Indianapolis, IN

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,569; Carpenter Technology, Steel Div., Los Angeles, CA

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,570; Carpenter Technology, Steel Div., Memphis, TN

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,571; Carpenter Technology, Steel Div., Milwaukee, WI

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,572; Carpenter Technology, Steel Div., Minneapolis, MN

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,573; Carpenter Technology, Steel Div., W. Caldwell, NJ

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,574; Carpenter Technology, Steel Div., Fort Washington, PA

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,575; Carpenter Technology, Steel Div., Rochester, NY

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,576; Carpenter Technology, Steel Div., St. Louis, MO

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,577; Carpenter Technology, Steel Div., Belmont, CA

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,578; Carpenter Technology, Steel Div., So. Bend, IN

A certification was issued in response to a petition received on June 11, 1982 covering all workers engaged in employment related to the production of alloy steel, stainless steel wire or stainless steel bar separated on or after August 28, 1981.

TA-W-13,937; Publicker Industries, Inc., Ethylene & Stillhouse Operations, Philadelphia, PA

A certification was issued in response to a petition received on November 10, 1982 covering all workers separated on or after January 1, 1982 and before June 30, 1982.

TA-W-13,655; Babcock & Wilcox Co., Tubular Products Group, Milwaukee Works, Milwaukee, WI

A certification was issued covering all workers of the firm separated on or after July 16, 1981.

TA-W-13,654; Babcock & Wilcox Co., Tubular Products Group, Beaver Falls Works, Beaver Falls, Koppel, and Ambridge, PA

A certification was issued covering all workers of the firm separated on or after July 16, 1981.

TA-W-13,538; Jones & Laughlin Steel Corp., Pittsburgh Works, Pittsburgh, PA

A certification was issued covering all workers of the firm separated on or after May 11, 1981.

TA-W-13,675; Crane Co., Chattanooga Valve Plant, Chattanooga, TN

A certification was issued covering all workers of the firm separated on or after October 1, 1981.

TA–W–14,186; Double Talk, Inc., Miami, FL

A certification was issued covering all workers of the firm separated on or after April 2, 1982 and before November 5, 1982.

TA–W–13,751; Coronet Casuals, Inc., Portsmouth, VA

A certification was issued in response to a petition received on August 25, 1982 covering all workers separated on or after February 27, 1982.

TA–W–13,862; Union Carbide Corp., Carbon Products Div., Fostoria, OH

A certification was issued in response to a petition received on October 18, 1982 covering all workers separated on or after May 1, 1982 and before March 1, 1983.

TA–W–13,833; U.S. Steel Mining Corp., Inc., Decota Mining District, Carbon Div., Carbon, WV

A certification was issued covering all workers of the firm separated on or after August 31, 1982.

TA–W–13,834; U.S. Steel Mining Corp., Inc., Decota Mining District, Crimson Div., Winifrede, WV

A certification was issued covering all workers of the firm separated on or after August 31, 1982.

TA–W–13,896; U.S. Steel Mining Corp., Inc., Decota Mining District, Eagle Div., Chesapeake, WV

A certification was issued covering all workers of the firm separated on or after August 31, 1982.

I hereby certify that the aforementioned determinations were issued during the period April 18, 1983–April 22, 1983. Copies of these determinations are available for inspection in Room 9120, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: April 26, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-1176 Filed 5-2-83; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: May 23–24, 1983.

Time: 8:00 a.m. to 5:30 p.m.

Room: 315

Program: This meeting will review applications submitted to the General Research: State, Local and Regional Studies Panel, Division of Research Programs, for projects beginning after January 1, 1984.

Date: May 26–27, 1983.

Time: 9:00 a.m. to 5:30 p.m.

Room: 415.

Program: This meeting will review applications submitted by state humanities committees, Division of State Programs, for activity beginning after November 1, 1983.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged of confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786–0322.

Stephen J. McCleary,

Advisory Committee, Management Officer.

[FR Doc. 83-11786 Filed 5-2-83; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-293]

Boston Edison Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 69 to Facility Operating License No. DPR–35 issued to Boston Edison Company (the licensee) which revised the Technical Specifications for operation of the Pilgram Nuclear Power Station (the facility) located near Plymouth, Massachusetts. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to incorporate revisions to reflect organizational changes at Boston Edison related to nuclear activities both at Pilgrim Station and offsite.

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 it does not involve a significant hazards consideration.

The Commission has determined that the issuance of this Amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated October 25, 1982 as revised March 2, 1983 (2) Amendment No. 69 to License No. DPR–35, 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 Plymouth Public Library on North Street in Plymouth, Massachusetts 02360. A single 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 26th day of April 1983.

For the Nuclear Regulatory Commission.

Domenic B. Vassallo,

Chief, Operating Reactors Branch No. 2, Division of Licensing.

[FR Doc. 83-11784 Filed 5-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-146]

General Public Utilities System; Establishment of Local Public Document Room

Notice is hereby given that the Nuclear Regulatory Commission (NRC) has officially established a local public doument room (LPDR) for General Public Utilities System's Saxton Nuclear Experimental Facility at the Saxton Community Library, Saxton, Pennsylvania.

Members of the public may now inspect and copy documents and correspondence related to the decommissioning of the Saxton Nuclear Experimental Facility at the Saxton Community Library, 911 Church Street, Saxton, PA 16678. The hours of operation of the Saxton Community Library are Monday, Tuesday, and Wednesday, 7:00 pm–9:00 pm, Thursday, 12:00 noon–4:00 pm and 7:00 pm–8:30 pm, and Sunday, 2:00 pm–4:00 pm.

For further information interested parties in the Saxton area may contact the LPDR directly through Ms. Lila Pennell, Librarian, telephone number (814) 635-3533. Parties outside the service area of the LPDR may address their requests for records to the NRC's Public Document Room, 1717 H Street, N.W., Washington, DC 20555, telephone number (202) 634-3273. The cost of ordering records from the NRC Public Document Room is 5¢ per page, plus postage and handling.

Questions concerning the availability of documents at the Saxton LPDR and the NRC's local public document room program in general should be addressed to Ms. Jona L. Souder, Chief, Local Public Document Room Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone number, toll-free (800) 638-8081.

Dated at Bethesda, Maryland, this 26th day of April, 1983.

For the Nuclear Regulatory Commission.

Joseph M. Felton,

Director, Division of Rules and Records, Office of Administration.

[FR Doc. 83-11785 Filed 5-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-331]

Iowa Electric Light and Power Co., et al.; Exemption

I

Iowa Electric Light and Power Company, et al. (the licensee) is the holder of Facility Operating License No. DPR-49 which authorizes the operation of the Duane Arnold Energy Center at steady state reactor power levels not in excess of 1658 megawatts thermal. The facility consists of a boiling water reactor located at the licensee's site near Palo in Linn County, Iowa. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.48 of 10 CFR Part 50 requires that licensed operating reactors be subject to the requirements of Appendix R of 10 CFR Part 50. Appendix R contains the general and specific requirements for fire protection programs at licensed nuclear facilities. On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, became effective. This rule required all licensees of plants licensed prior to January 1, 1979, to submit by March 19, 1981: (1) plans and schedules for meeting the applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph II.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of § 50.48(c)(6) was to be invoked.

The licensee responded to these requirements by letter dated March 19, 1981, and supplemented its response by information contained in letters dated July 3, 1981, and June 22, 1982.

In these submittals, the licensee requested certain exemptions from the requirements of Section III.G of Appendix R to 10 CFR Part 50. Section III.G of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of the following means:

a. Separation of cables and equipment and associated non-safety circuits of redundant trains by a fire barrier having a 3-hour rating. Structural steel forming a part of or supporting such fire barriers shall be protected to provide fire resistance equivalent to that required of the barrier;

b. Separation of cables and equipment and associated non-safety circuits of redundant trains by a horizontal distance of more than 20 feet with no intervening combustibles or fire hazards. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area; or

c. Enclosure of cables and equipment and associated non-safety circuits of one redundant train in a fire barrier having a 1-hour rating. In addition, fire detectors and an automatic fire suppression system shall be installed in the fire area.

If these conditions are not met, Section III.G.3 requires alternative shutdown capability independent of the fire area of concern.

1. The licensee requested an exemption from the provisions of Section III.G of Appendix R for the reactor building torus area (fire zone 1-A) to the extent that it requires automatic fire detection and fire suppression throughout the fire area to protect redundant trains of safe shutdown related cables and equipment.

The licensee justified the exemption by stating that, with the exception of the redundant cables in the northwest half of the area, the separation distance between all other division one and division two cables in conjunction with the low combustible loading in the area reduces the probability of a fire causing damage to both trains. The licensee further contends that due to the low quantity of combustibles in the area, a potential fire could not be expected to propagate beyond the area of ignition.

Where redundant cables are located in close proximity, one-hour rated fire barriers, fire detections, and automatic suppression will be installed to provide the level of safety mandated by Appendix R.

We have reviewed the licensee's submittal and agree with the licensee's evaluation that the area does not comply with Section III.G because automatic fire detection and fire suppression is not available throughout the area. However, we find that the proposed means of protection and low quantity of combustibles in the area and the space between redundant components provides reasonable assurance that safe shutdown related cables will be maintained free of fire damage.

Therefore, we conclude that with the proposed modifications, the level of safety provided in the torus area will be equivalent to the technical requirements of Section III.G.2 of Appendix R and the licensee's request should be granted.

2. The licensee has requested an exemption from the provisions of Section III.G of Appendix R for the

reactor building north and south CRD module areas (fire zones 2A and 2B).

The licensee has justified the exemption request by stating that, because of the design of the scram system, any power interruption to the electrical solenoid controlling control rod motion after fire exposure will be an open or short circuit and will activate the scram signal and de-energize the solenoid, thus effecting a safe shutdown.

We have reviewed the licensee's submittals and agree with the licensee's evaluation that the area does not comply with Section III.G of Appendix R because the scram solenoid cables do not have one of the three specified fire protection measures. We find, however, that a fire which causes an open or short ciruit will not adversely affect safe shutdown and although individual scram solenoids could remain energized from a hot short, the probability of a significant number of control rods being affected in this way is low.

Therefore, we conclude that the alternate form of protection provided by the design of the scram solenoid system ensures a level of safety equivalent to the technical requirements of Section III.G of Appendix R and that the licensee's request for exemption should be granted.

3. The licensee has requested an exemption from the provisions of Section III.G of Appendix R for the reactor building RHR valve rooms (fire zone 2–D) to the extent that it requires 20 feet of separation without intervening combustibles between redundant trains.

The licensee has justified the exemption by stating that the area contains the RHR system injection valves and redundant trains of cables to the valves will be enclosed in a one-hour rated fire barrier and protected by fire detection and automatic suppression. The redundant injection valves will also be protected by fire detection and automatic suppression but will be enclosed in one-hour rated fire barriers. It is not considered practical to enclose the valves inside a fire rated barrier.

We have reviewed the licensee's submittals and agree with its evaluation that the area does not comply with Section III.G because it is not provided with protection for the RHR injection valves. However, the fire load in the area is low (425 BTU/sq. ft.). The fire load, if totally consumed, would correspond to a fire severity less than one minute on the ASTM E–119 standard time temperature curve. Due to the considerable heat sink provided by the concrete floor and walls, the probability is low that a fire could damage the injection valves before the actuation of the detection and suppression systems. One-hour rated barriers enclosing the cables to the equipment provide added margin of safety.

Therefore, we conclude that with the proposed modifications listed above the level of safety for this area will be equivalent to the technical requirements of Section III.G of Appendix R and the request for exemption should therefore be granted.

4. The licensee has requested an exemption from the provisions of Section III.G of Appendix R for the control room (fire zone 12A) to the extent that it requires a fixed fire suppression system in the area.

The licensee has justified the exemption by stating that the control room has a fire detection system, hose station, and fire extinquisher. In addition, an alternate safe shutdown system is also available independent of control room. The control room is continuously manned and the fire load is low.

We have reviewed the licensee's submittals and agree with the licensee's evaluation that this area does not comply with Section III.G because it is not provided with a fixed fire suppression system. However, since the fire hazard is light and the control room continuously manned, there is reasonable assurance that a fire would be promptly extinquished.

Therefore, we conclude that the installation of a fixed fire suppression will not significantly increase the level of fire protection in the control room and the request for exemption should therefore be granted.

5. The licensee has requested an exemption from the provision of Section III.G of Appendix R for the boundaries of fire areas to be separated by three-hour rated barriers.

The licensee has justified the exemption by stating that the 1979 fire hazard analysis was accepted as meeting staff guidelines and divisional boundaries of less than three hours were accepted on the basis of the combustible loading in the adjacent areas.

We have reviewed the licensee's submittal and agree with the licensee's evaluation that the areas do not comply with Section III.G because five of the fire boundaries contain ventilation duct penetration protected by one and a half-hour rated fire dampers.

However, the equivalent fire severity based on the combustible loading in the lower switchgear room (area 7B) is 0.35 hours, in the battery rooms (areas 10B and 10D) 0.52 hour, in the essential switchgear rooms (areas 10E and 10F) 0.18 and 0.23 hours, respectively. A fire in any of these areas would be comfortably less than the rating of the damper and therefore, the one and a half-hour rated fire dampers will provide adequate protection.

We conclude, therefore, that the level of fire protection provided by the fire area boundaries for the lower switchgear room (fire area 7B), the battery rooms (fire areas 10B and 10D) and the essential switchgear rooms (fire areas 10E and 10F) provide a level of safety equivalent to the technical requirements of Appendix R and the licensee's request for an exemption should be granted in these areas.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

Therefore, the Commission hereby approves the following exemption requests:

Exemption is granted from the requirements of Section III.G of Appendix R of 10 CFR Part 50 for the following areas to the extent described in Section II of this exemption:

1. Reactor building torus area (fire zone 1A)

2. North and south CRD module areas (fire zones 2A and 2B)

3. Reactor building RHR valve rooms (fire zone 2D)

4. Control room (fire zone 12A)

5. Lower switchgear room (fire area 7B), battery rooms (fire areas 10B and 10D), and essential switchgear rooms (fire areas 10E and 10F)

The NRC staff has determined that the granting of these exemptions 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 this action.

Dated at Bethesda, Maryland this 26th day of April 1983.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-11786 Filed 5-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-333]

Power Authority of the State of New York (James A. FitzPatrick Nuclear Power Plant); Exemption

I

The Power Authority of the State of New York (the licensee) is the holder of Facility Operating License No. DPR-59 which authorizes the licensee to operate the James A. FitzPatrick Nuclear Power Plant (the facility) at power levels not in excess of 2436 megawatts thermal. The facility is a boiling water reactor (BWR) located at the licensee's site in Oswego County, New York. The license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

II

Section 50.48 of 10 CFR Part 50 requires that licensed operating reactors be subject to the requirements of Appendix R of 10 CFR Part 50. Appendix R contains the general and some of the specific requirements for fire protection programs at licensed nuclear facilities. On February 17, 1981, the fire protection rule for nuclear power plants, 10 CFR 50.48 and Appendix R, became effective. This rule required all licensees of plants licensed prior to January 1, 1979, to submit by March 19, 1981: (1) Plans and schedules for meeting applicable requirements of Appendix R, (2) a design description of any modifications proposed to provide alternative safe shutdown capability pursuant to Paragraph III.G.3 of Appendix R, and (3) exemption requests for which the tolling provision of § 50.48(c)(6) was to be invoked.

The licensee responded to these requirements by letter dated March 19, 1981, and supplemented its response by information contained in letters dated June 22, 1981, February 26, 1982, and November 23, 1982.

In these submittals, the licensee requested certain exemptions from the requirements of Section III.G and III.L of Appendix R to 10 CFR Part 50. Section III.G of Appendix R requires that one train of cables and equipment necessary to achieve and maintain safe shutdown be maintained free of fire damage by one of three means described in that section. If the conditions of Section III.G are not met, the section requires an alternate shutdown capability independent of the fire area of concern. Section III.L states the requirements for alternative and dedicated shutdown capability.

The exemption requests we found to be acceptable are as follows:

1. The licensee requested an exemption from the provisions of Section III.G.2 of Appendix R for three-phase AC and two-wire DC circuits "to the extent that this would require further analysis and modifications to provide protection against the extremely unlikely occurrence of a two conductor (DC) or three conductor (three phase AC) power cable being severed by a fire and then reconnecting to cause maloperation of systems or equipment."

The licensee justified the exemption by stating the following: for the case of the three-phase AC circuits, the licensee indicated that two circuits—one energized, one deenergized—would need to be damaged by the fire such that power would be supplied to the nonenergized circuit. The licensee indicated that this event was not considered credible because of the extreme unlikelihood of fire-damaged cables reconnecting in the proper sequence.

For the case of the two-wire DC circuits, the licensee indicated that two circuits—one energized, one deenergized—would both need to be damaged by the fire and reconnect such that power would be supplied to the non-energized circuit. Since the DC power system is a non-grounded system, the short of the two circuits would have to occur prior to one of the circuits being shorted to ground. This event is considered highly unlikely.

We have reviewed the licensee's submittals and agree with the licensee's evaluatin that the AC and DC circuits described above do not meet the requirements of Section III.G.2 of Appendix R. However, based on the extremely unlikely occurrence of a three phase circuit short or a two-wire DC power circuit short before grounding, we conclude that the licensee's exemption request is accceptable and should be granted.

2. The licensee has requested an exemption from Sections III.G.1.a, III.G.2, III.G.3, and III.L of Appendix R to the extent that repairs are considered to include low voltage fuse pulling, lifting of leads, and cable cutting.

The licensee justified the exemption by stating that: procedures would identify the necessary corrective actions; that the actions can be accomplished in a timely manner (i.e., before unrecoverable plant conditions exist); and that the electrical connections are low voltage.

We have reviewed the licensee's submittals and have identified two areas for which this exemption request is justified: Fire Area CT-3, Cable Tunnel, and Fire Area Cr-4, Cable Tunnel. For Fire Area CT-3, a RCIC logic control power fuse must be removed to prevent spurious signals from affecting the use of RCIC. For Fire Area CT-4, a HPCI logic control must be removed to prevent spurious signals from affecting the use of HPCI. In each case, the repair is limited to the removal of a single fuse located in a panel in the relay room.

Based on the licensee's commitment to provide procedures detailing these repairs and the licensee's statement that the repairs can be accomplished in a timely manner, and that the repairs are performed on low voltage circuits, we conclude that the licensee's exemption request for Fire Area CT-3 and CT-4 is acceptable and should be granted.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption request:

1. Exemption is granted from the provisions of Section III.G.2 of Appendix R for three-phase AC and DC circuits such that no further analysis or modifications are required to provide protection for these circuits to prevent maloperation of systems or equipment.

2. Exemption is granted from Section III.G and III.L of Appendix R to 10 CFR Part 50 to the extent that repairs are considered to include low voltage fuse pulling in Fire Area CT-3 and Fire Area CT-4.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact appraisal need not be prepared in connection with this action.

(Dated at Bethesda, Maryland this 26th day of April 1983)

For the Nuclea Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 83-11767 Filed 5-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-546 and 50-547 (ASLBP No. 83-487-02 OL)]

Public Service Company of Indiana, Inc. and Wabash Valley Power Association, Inc.; Establishment of Atomic Safety and Licensing Board To Preside in Proceeding

Pursuant to delegation by the Commission dated December 29, 1972, published in the Federal Register (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.711, 2.714a, 1.717, and 2.721 of the Commission's Regulations, all amended, an Atomic Safety and Licensing Board is being established in the following proceeding to rule on petitions for leave to intervene and requests for hearing and to conduct the proceeding in the event that a hearing is ordered.

Public Service Company of Indiana, Inc.

Wabash Valley Power Association, Inc.

Marble Hill Nuclear Generating Station, Units 1 and 2

Construction Permit Nos. CPPR-170 and CPPR-171

This Board is being constituted pursuant to a notice published by the Commission on March 25, 1983 in the Federal Register (48 FR 12608-09) entitled, "Public Service Company of Indiana, Inc. and Wabash Valley Power Association, Inc. (Marble Hill Nuclear Generating Station, Units 1 and 2); Receipt of Application for Facility Operating Licenses; Availability of Applicants' Environmental Report; Consideration of Issuance of Facility Operating Licenses; and Opportunity for Hearing."

The Board is comprised of the following administrative judges:

Ivan W. Smith, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Mr. Gustave A. Linenberger, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Oscar H. Paris, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Issued at Bethesda, Maryland this 26th day of April 1983.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 83-11768 Filed 5-2-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric and Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 88 to Facility Operating License No. DPR-32 and Amendment No. 88 to Facility Operating License No. DPR-37 issued to Virginia Electric and Power Company (the licensee), which revised Technical Specifications for operation of the Surry Power Station, Unit Nos. 1 and 2, respectively, (the facilities), located in Surry County, Virginia. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to change the schedule requirements for functional testing of the 50 KIPS and above category snubbers. The functional testing is rescheduled when an engineering evaluation determines the failure mode to be non-generic.

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 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.

For further details with respect to this action, see (1) the application for amendments dated March 8, 1983, (2) Amendment Nos. 88 and 88 to License Nos. DPR-32 and DPR-37, and (3) the Commissions 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 Swem Library, College of William and Mary, Williamsburg, Virginia 23185. 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 27th day of April, 1983.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 83-11769 Filed 5-2-83; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22920; (70-6858)]

Arkansas Power Light Co.; Proposed Issuance and Sale of First Mortgage Bonds

April 25, 1983.

Arkansas Power & Light Company ("AP&L"), (First National Building, Little Rock, Arkansas 72201), an electric utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("ACT") and Rule 50 promulgated thereunder.

AP&L proposes to issue and sell at competitive bidding not more than $100 million in principal amount of its first mortgage bonds ("Bonds") to be issued in one or more series from time to time through May 31, 1984. The interest rate of each series of the Bonds will be a multiple of ⅛ of 1%. The price, exclusive of accrued interest, specified by AP&L in soliciting bids shall be in a range of not more than 5 percentage points, but shall not exceed 5 percentage points above or below 100% of the principal amount of the Bonds. The Bonds will be issued under a supplemental indenture to AP&L's Mortgage and Deed of Trust. Each series of Bonds will mature on a date from five to thirty years from date of issuance. The supplemental indenture will prohibit, for not more than five years, the refunding of the Bonds, directly or indirectly, with funds borrowed at a lower effective interest cost than the respective series of Bonds.

AP&L will issue and sell the Bonds by competitive bidding using alternative procedures authorized in the Commission's Statement of Policy Concerning Application of Rule 50 (HCAR No. 22623; September 2, 1982).

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by May 19, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of

service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11798 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13184; (812-5405)(812-5406)]

Templeton Funds, Inc., et al.; Filing of Application

April 22, 1983.

In the Matter of Templeton Funds, Inc. (formerly, Templeton World Fund, Inc.), 405 Central Avenue, P.O. Box 3942, St. Petersburg, Florida 33731; Templeton Growth Fund, Ltd., 44 Victoria Street, Suite 800, Toronto, Ontario M5C 1Y2; and Securities Fund Investors, Inc., 405 Central Avenue, P.O. Box 3942, St. Petersburg, Florida 33731.

Notice is hereby given that Templeton Funds, Inc. (formerly named, "Templeton World Fund, Inc.")(hereinafter referred to as "Templeton Funds"), a Maryland corporation registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management company; Templeton Growth Fund, Ltd., ("Growth Fund"), a Canadian corporation registered as an open-end, diversified management investment company under the Act; and Securities Fund Investors, Inc. ("SFI"), the principal underwriter for Growth Fund and Templeton Funds (Templeton Funds, Growth Fund, and SFI are hereinafter referred to collectively as "Applicants"), filed applications on December 21, 1982 requesting that the Commission issue an order amending, thereby affirming and clarifying, certain orders which the Commission issued in 1978 which have permitted, respectively, Templeton Funds to offer its shares for certain shares of The Reserve Fund, Inc. ("Reserve"), and Growth Fund and Templeton Funds each to offer its shares in exchange for shares of the other, all such exchanges to be effectuated on the basis of the relative net asset values of the securities so exchanged, with the addition of a $5.00 exchange fee. 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.

Applicants state that on March 22, 1978, the Commission issued an order (Investment Company Act Release No. 10172) pursuant to Section 11(a) of the Act which permitted shareholders of Templeton Funds (then operating under the name of "Templeton World Fund, Inc.") to exchange their shares for shares of Reserve on the basis of the relative net asset values of the shares at the time of the exchange, subject to a $5.00 service charge, and, pursuant to Section 6(c) of the Act, exempted Templeton Funds and SFI from the provisions of Section 22(d) of the Act to permit the sale of shares of Templeton Funds in accordance with such no-load exchange privilege. Applicants further state that on September 29, 1982, shareholders of Templeton Funds approved Articles of Amendment to the fund's Articles of Incorporation, changing the name of the company from "Templeton World Fund, Inc." to "Templeton Funds, Inc.", and authorizing the fund's board of directors to reclassify the common shares of the fund into separate classes having separate portfolios and investment policies so as to constitute Templeton Funds a "series" investment company. Applicants further represent that the Articles of Amendment were duly filed in the State Department of Assessments of Maryland and that, by appropriate action of the board of directors, all of the previously outstanding shares of the company, plus additional authorized shares, were classified as "Templeton World Fund" (hereinafter referred to as "World Fund"), being in all respects a continuation of the former Templeton World Fund, Inc. In addition, it is stated, a new series of shares was classified and authorized for issue as "Templeton Foreign Fund" (hereinafter referred to as "Foreign Fund").

Applicants further state that the investment policy and investment restrictions of World Fund provide for investment in stock and debt obligations of companies and governments of any nation with the objective of long-term capital growth. Foreign Fund, Applicants state, has substantially the same investment policy and restrictions as World Fund, except that its policy excludes investments in United States companies for other than "defensive" purposes. It is further stated that the two classes of Templeton Funds have affiliated investment managers, owned and operated under the direction of John M. Templeton, Director and President of Templeton Funds and Growth Fund, and that they have the same principal underwriter (SFI), the same custodian (Bank of New England), and the same transfer agent (Securities Fund Services, Inc.).

Applicants represent that SFI, as principal underwriter, maintains a continuous public offering of the shares of World Fund and Foreign Fund at their net asset value plus a sales charge. On purchases of less than 10,000, it is stated, the maximum sales charge for shares of each of the funds is 8.5% of the public offering price, with the sales charge reduced on larger purchases at the same breakpoints for each series. Applicants state that there is no sales charge imposed on the reinvestment of dividends and capital gains from shares of World Fund or Foreign Fund.

Under the exchange privilege which Templeton Funds presently offers, Applicants state, shares of either series of the company—shares of World Fund or of Foreign Fund—may be exchanged for shares of Reserve without sales charge, on the basis of their relative net asset values at the time of exchange, subject to a $5.00 fee payable to Securities Fund Services, Inc. Applicants' purpose in filing the instant application is to obtain a Commission order extending the application and effect of the order of March 22, 1978 to the privilege Templeton Funds now offers to investors in World Fund and Foreign Fund to exchange their interests for shares of Reserve without the payment of additional sales charge.

Applicants submit that all of the material facts upon which the Commission's order of March 22, 1978 was based remain in existence, and should apply to the same extent with respect to Templeton Funds in its present form as a series company. Applicants further represent that the same facts and conditions would continue to apply with regard to any such additional classes of Templeton Funds shares as the board of directors of that company may in the future decide to authorize. Accordingly, Applicants assert that a continuation of the order of March 22, 1978 with respect to World Fund and Foreign Fund and to any future classes of shares of Templeton Funds is appropriate, and that the issuance of an order amending the prior order to affirm its continuing effectiveness with regard to Templeton Funds is 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 that the Commission issue an order amending its

order of April 6, 1978 (Investment Company Act Release No. 10192), pursuant to which shareholders of Growth Fund have been permitted to exchange their shares for shares of Templeton Funds (formerly named "Templeton World Fund, Inc.") and shareholders of Templeton Funds have been permitted to exchange their holdings for shares of Growth Fund. As described above, on September 29, 1982 Templeton World Fund, Inc. became "Templeton Funds, Inc.", a series fund having two separate classes of common shares, i.e., World Fund and Foreign Fund.

Pursuant to the exchange privilege presently offered by Templeton Funds, shares of either series of the company—i.e., shares of World Fund or shares of Foreign Fund—may be exchanged for shares of the other, or for shares of Growth Fund on the basis of their relative net asset values at the time of exchange, without sales charge but subject to a $5.00 fee payable to Securities Fund Services, Inc. as transfer agent. Applicants express purpose in filing the instant application is to obtain an order of the Commission amending the order of April 6, 1978 to extend the application and effect of the prior order to the no-load exchange privilege currently being offered by Templeton Funds, and to make such exemptive relief applicable with respect to any future series or class of shares that Templeton Funds may hereafter authorize and issue.

Applicants represent that Growth Fund and World Fund have substantially the same investment policy and investment restrictions, namely, a flexible policy of investing in stock and debt obligations of companies and governments of any nation with the objective of long-term capital growth. Foreign Fund, it is stated, has substantially the same investment policy and restrictions, except that its policy excludes investments in United States companies for other than "defensive" purposes. Applicants also state that the two classes of Templeton Funds have affiliated investment managers that are owned by and operated under the direction of John M. Templeton, Director and President of Templeton Funds and Growth Fund, and that they have the same principal underwriter, SFI, and the same custodian, Bank of New England. It is also stated that the shares of all United States shareholders of Growth Fund, and all shares of World Fund and Foreign Fund, have the same transfer agent, i.e., Securities Fund Services, Inc.

Applicants further state that SFI, as principal underwriter, maintains a continuous public offering of the shares of Growth Fund, World Fund and Foreign Fund at their net asset value plus a sales charge. On purchases of less than $10,000, it is stated, the maximum sales charge for shares of each of the funds is 8.5% of the public offering price, with the sales charge reduced on larger purchases at the same breakpoints for each fund. Applicants state that there is no sales charge imposed on the reinvestment of dividends and capital gains from shares of Growth Fund, World Fund, or Foreign Fund.

Lastly, Applicants submit that all of the material facts upon which the order of April 6, 1978, was granted remain in existence, and should provide a basis upon which the amended order sought herein can be issued, applying in all respects to Templeton Funds in its present status as a series fund, and to World Fund and Foreign Fund as separate classes thereof. Applicants represent, in addition that the same facts and conditions will continue to apply to the same extent with respect to any future series or classes of Templeton Funds which hereafter may be authorized. Thus, Applicants assert that the extension of the Commission's order of April 6, 1978 with respect to the exchange privilege presently available to Templeton Funds shareholders, and which would be offered to investors in any future series of Templeton Funds, is appropriate, and that the issuance of an order amending the existing order to affirm its continuing effectiveness with regard to Templeton Funds is 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 17, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11797 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

Forms Under Review By Office of Management and Budget

Agency Clearance Officer—Kenneth Fogash, 202-272-2700. Upon written request copy available from: Securities and Exchange Commission, Office of Consumer Affairs and Information Services, Washington, D.C. 20549.

Amendment

Item 404 of Regulation S-K, No. 270-2.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance final amendments to Item 404 of Regulation S-K under the Securities Act of 1933 and the Securities Exchange Act of 1934, which sets forth requirements with respect to disclosure of management transactions and relationships. The amendments were intended to provide uniform disclosure requirements with respect to registration statements, periodic reports and proxy statements and to streamline and simplify the disclosure of transactions and relationships in a manner consistent with investor protection.

Submit comments to OMB Desk Officer: Robert Veeder, 202-395-4814, Office of Information and Regulatory Affairs, Room 3235, NEOB, Washington, D.C. 20509.

George A. Fitzsimmons,

Secretary.

April 27, 1983.

[FR Doc. 83-11795 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Great American Financial, Inc.; Suspension of Trading

April 26, 1983.

In the matter of trading in the Securities of; Great American Financial, Inc.; File No. 500-1; Securities Exchange Act of 1934 Section 12(k) Order of Suspension of Trading.

It appearing to the Securities and Exchange Commission that because of recent unusual market activity, possible improper sale of restricted shares and

because of the apparent lack of adequate and accurate financial information relating to the company's valuation of its assets, the protection of investors require a summary suspension of trading in the securities of Great American Financial, Inc.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 2:00 p.m. on April 26, 1983, through midnight May 5, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11791 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19700; File No. SR-MSTC-83-3]

Proposed Rule Change by Midwest Securities Trust Company; Notice of Filing and Immediate Effectiveness of

April 25, 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 April 8, 1983, the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this otice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would increase MSTC's fee for the automatic Depository Delivery Instruction ("DDI") service from $50.00 per month to $100.00 per month. MSTC states tht this price increase would bring the fees for the DDI service up to the same level charged by MSTC for other similar services. MSTC believes that the proposal is consistent with Section 17A(b)(3)(D) of the Act in that it provides for the equitable allocation of dues, fees and other changes among its participants.

The foregoing change has become effective, pursuant to Section 19(b)(3)(A) of the Act and subparagaph (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 publication in the Federal Register. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-MSTC-83-3.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentined self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11798 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19699; File No. SR-MSRB-83-3]

Self-Regulatory Organizations; Proposed Rule Change; Municipal Securities Rulemaking Board; Relating to Syndicate Practices

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on March 29, 1983, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith certain amendments to rule G-11, on syndicate practices (hereafter referred to as the "proposed rule change"). The text of the proposed rule change is as follows:

Rule G-11 [1] Sales of New Issue Municipal Securities During the Underwriting Period

(a) No change.

(i)-(ix) No change.

(x) *The term "qualified note syndicate" means any syndicate formed for the purpose of purchasing and distributing a new issue of municipal securities that matures in less than two years where:*

(A) the new issue is to be purchased by the syndicate on other than an "all or none" basis; or

(B) the syndicate has provided that:

(1) there is to be no order period;

(2) only group orders will be accepted; and,

(3) the syndicate may purchase and sell the municipal securities for its own account.

(b)-(c) No change.

(d) Disclosure of Group Orders. Every municipal securities dealer that submits a group order to a syndicate or to a member of a syndicate, shall disclose at the time of submission of such order the identity of the person for whom the order is submitted. *This section shall not apply to a qualified note syndicate as defined in paragraph (a)(x) above.*

(e)-(f) No change.

(g) No change.

(i) No change.

(ii) the identity of each person submitting a group order to which securities have been allocated as well as the aggregate par value and maturity date of each maturity allocated *except that this paragraph shall not apply to the senior syndicate manager of a qualified not syndicate as defined in paragraph (a)(x) above;* and

(iii) No change.

(h) No change.

(i) No change.

(ii) a summary statement showing the aggregate par values and prices (expressed in terms of dollar prices or yields) of all securities sold from the syndicate account. *This paragraph shall not apply to a qualified note syndicate as defined in paragraph (a)(x) above.*

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

A. Self-Regulatory Organization's Statement of, and Statutory Basis for, the Proposed Rule Change

(1) Rule G-11 governs activities of underwriters in connection with sales of new issue municipal securities during the underwriting period. While the rule

[1] Italics indicate new language; [brackets] indicate deletions.

accords syndicate members great flexibility in structuring their syndicate agreements and practices, the rule does place certain requirements on underwriting syndicates. Generally, the rule requires syndicates to establish different categories of orders and to make certain disclosures within the syndicate to assure that allocations are made in accordance with those priorities. The rule also requires a syndicate manager to make an accounting of syndicate expenses and allocations of securities at final settlement of the syndicate account.

The Board recently examined the application of rule G–11 to tax-exempt notes and has determined that certain disclosure requirements, as noted below, should not be required of note syndicates that meet the definition of a "qualified note syndicate." A "qualified note syndicate" as defined by the proposed rule change is one formed to distribute municipal securities that mature in less than two years. In addition to the new issue either must be purchased on an other than all or none basis, *or* the syndicate's agreement must provide that there is to be on order period, that only group orders will be accepted and that the syndicate may purchase and sell the municipal securities for its own account. The Board has concluded that syndicates meeting these criteria are inherently different from other syndicates formed to distribute new issue municipal securities and are more analogous to secondary market trading accounts which are not subject to rule G–11. It further concluded that due to the relatively small number of note dealers and other special features of the new issue note market certain disclosures were not appropriate and were unduly burdensome.[2]

The proposed rule change would exempt qualified note syndicate from the provisions of rule G–11 (d) and (g)(ii) which require the disclosure of the identity of customers placing group orders and the allocation of securities to customers who placed group orders. The current requirement that the identity of group orders be disclosed was adopted to assure that syndicates are run in a fair and open manner and, in particular, to minimize any advantage a syndicate manager might obtain over other syndicate members by virtue of its receipt of this information. The Board has concluded that these concerns do not exist in the case of qualified note syndicates since newly-issued notes frequently are not sold on an all or none basis. Such issue typically is sold to several syndicates and is resold to the public on a "first-come, first-served" basis; order periods are rarely established, particularly in competitive sales. In other qualified note syndicates all trades are done at group net. In these syndicates, except for presale orders, ordinarily there are no order priorities, and syndicate members do not receive a concession or take down. Nevertheless, compliance with the existing provisions of rule G–11(d) requires the disclosure of the identity of every order. And, under existing rule G–11(g)(ii), a manager must disclose within 10 days from the date of sale the identity of every order to which notes were allocated. The Board believes that since there are no priority concerns, these disclosure requirements do not seem to provide useful information to syndicate members and, therefore, are unduly burdensome.

The proposed rule change also would exempt qualified note syndicates from rule G–11(h)(ii) which requires at or before final settlement, delivery of a summary statement showing the aggregate par values and prices of all securities sold. This provision was intended to augment the requirement in subsection (h)(i) that syndicate expenses be disclosed. The Board has concluded that the proposed exemption is appropriate because in larger note offerings, such as an issue of project notes, the allocation disclosures required by the rule would be difficult to produce, would be many pages long, and would be of little practical value to syndicate members. Even in smaller issues, the required disclosures may be unduly burdensome because the prices at which new issue notes are sold by the syndicate typically are subject to numerous changes over an extended period of time.

(2) The proposed rule change has been adopted under section 15B(b)(2)(K) which provides that the Board shall adopt rules that, among other things,

"Establish the terms and conditions under which any municipal securities dealer may sell, or prohibit any municipal securities dealer from selling, any part of a new issue of municipal securities to a municipal securities investment portfolio during the underwriting period."

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board has concluded that the proposed rule change will impose no burdens on competition since the proposed exemptions would apply only to a discrete category of syndicates that distribute a discrete category of municipal securities, and would apply uniformly within all qualified note syndicates.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The proposed rule change was adopted pursuant to the recommendation of the Board's Advisory Committee on Tax-Exempt Notes.[3] The Board otherwise has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

With in 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

[2] These features include the fact that prices in the note market tend to be more sensitive to Treasury bill, money market, and federal funds rates than they are to price changes in the municipal bond market, and, as a result, prices in the note market fluctuate constantly. In addition, the methods of distributing new issue municipal notes can differ substantially from their bond counterparts. Note syndicates tend to be smaller than bond syndicateds in terms of the number of underwriters and typically are composed of one to three dealers. Note issues usually are not sold by the issuer on an "all or none" basis, and several different syndicates each may purchase portions of a new issue. These syndicates frequently run "two-way" or "trading accounts," that is, the syndicate will purchase notes in the secondary market and resell them at the same time is is distributing the newly-issued notes. For example, one syndicate might swap maturities with another syndicate in order to accommodate a customer. Moreover, note prices frequently will fluctuate within a syndicate.

In addition, newly-issued notes often are sold on a "first-come, first-served" basis and order periods may not be utilized.

[3] That Committee, which is no longer active, was asked by the Board to report on the application of present Board rules to tax-exempt notes and on industry compliance therewith. The Board also asked for the Committee's recommendations concerning any compliance problems that might be cured by the adjustment of Board rules to better accommodate the mechanics of note trading. Based on that Committee's recommendations, the Board has issued a general notice regarding the applicability of Board rules to tax-exempt notes and has amended rule G–12, on uniform practice, to require acceptance of deliveries of notes in smaller denominations that those specified on the confirmation of the transaction.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 25, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11799 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-19701; File No. SR-MSRB-82-16, Amendment No. 1]

Self-Regulatory Organizations; Proposed Rule Changes; Municipal Securities Rulemaking Board: Relating to Uniform Practice

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 22, 1982, as amended by the filing on March 7, 1983, the Municipal Securities Rulemaking Board filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Changes

(a) The Municipal Securities Rulemaking Board ("Board") is filing herewith certain amendments (the "proposed rule changes") to rule G-12 relating to uniform practice. The proposed rule changes are as follows:

Rule G-12. Uniform Practice.[1]

(a) through (g) No change.

(h) Close-Out. Transactions which have been confirmed or otherwise agreed upon by both parties but which have not been completed may be closed out in accordance with this section, or as otherwise agreed by the parties.

(i) Close-Out by Purchaser. With respect to a transaction which has not been completed by the seller according to its terms and the requirements of this rule, the purchaser may close out the transaction in accordance with the following procedures:

(a) Notice of Close-Out. If the purchaser elects to close out a transaction in accordance with this paragraph (i), the purchaser shall, not earlier than the fifth business day following the settlement date, notify the seller by telephone of the purchaser's intention to close out the transaction. The purchaser shall state that unless the transaction is completed by a specified date and time, which shall not be earlier than the close of the tenth business day following the date the telephonic notice is given (the fifth business day, in the case of a second or subsequent notice), the transaction may be closed out in accordance with this section at any time during the period of time, which shall not be more than five business days, specified by the purchaser for such purpose. The purchaser shall immediately thereafter send, return receipt requested, a written notice of close-out to the seller. Such notice shall contain the information specified in item (1) of subparagraph (C) below [, and shall be accompanied by a copy of the seller's confirmation of the transaction to be closed out or other written evidence of the contract between the parties.]

B. *(1)* Retransmittal. [as in current rule—no substantive change.]

(2) Transfer of Securities. If a selling dealer receiving an initial notice of close-out which has not been retransmitted has submitted the securities owed on the transaction to the registrar or transfer agent for transfer, the selling dealer may, upon notice to the purchaser, extend the dates for close-out by ten business days. The selling dealer must provide such notice by telephone, not later than the first businesd day following its receipt of the telephone notice of close-out, and must immediately thereafter send, return receipt requested, a written confirmation of such notice, stating the dates for close-out as extended due to such notice. The provisions of this item (2) of subparagraph (B) shall not apply to any notice of close-out initiated on or after January 1, 1985.

(C) and (D) No change.

(E) Close-Out Not Completed. If a close-out pursuant to a notice of close-out is not completed in accordance with the terms of the notice and the provisions of this rule, the notice shall expire. Additional close-out notices may be issued, provided that a close-out procedure with respect to a transaction may not be initiated later than the ninetieth business day following the settlement date of such transaction, regardless of the number of close-out notices issued. *Notwithstanding the foregoing, in the case of a transaction on which a delivery of securities has been reclaimed pursuant to the provisions of subparagraphs (g)(iii)(C) or (g)(iii)(D) of this rule and which remains uncompleted, the purchaser may initiate one or more close-out procedures with respect to such transaction at any time during a period of fifteen business days following the date of reclamation. The first such procedure shall be considered an initial procedure for purposes of subparagraph (A) above.*

(F) and (G) No change.

(i) through (l) No change.

II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

A. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Changes

(a) The Municipal Securities Rulemaking Board has recently received suggestions from members of the municipal securities industry as to several improvements in the application of the close-out provisions of rule G-12(h) to special circumstances; the proposed rule changes would amend the rule in accordance with certain of these suggestions. The proposed rule changes would also amend the rule to reflect the likely increase in the number of transfer items and related fails that may result from the impending requirement for issuance of most new issue municipal securities in registered form.

The specific provisions of the proposed rule changes are as follows:

1. *The proposed rule changes would permit the initiation of a close-out procedure on certain transactions reclaimed after the ninetieth business*

[1] Italics indicate new language; [brackets] indicate deletion.

day following the original settlement date.

The Board is aware that, in certain instances in the past, the availability of the close-out procedure would have promoted more expeditious resolution of reclaimed transactions. Accordingly, the proposed rule changes would make the close-out procedure available, for a short period of time, in the event that a transaction is reopened due to a reclamation of securities, for certain specified reasons, after the ninetieth business day following the settlement date (the last date on which the rule would otherwise permit initiation of a close-out). The proposed rule changes would permit the purchaser to initiate one or more close-out procedures with respect to such a transaction, in accordance with the provisions of the rule, for a period of fifteen business days following the date of reclamation.

2. *The proposed rule changes would delete the requirement that a copy of the contra-dealer's confirmation be attached to close-out notices.*

The Board is of the view that this requirement is no longer necessary. Since the relevant information regarding the transaction is required to be specified on the written close-out notice, and since a dealer receiving a telephone notice of close-out must proceed based on such telephone notice, not awaiting receipt of the written notice, the requirement to attach the contra-confirmation to the written notice no longer appears to provide significant assistance in identifying the related transactions to the dealer receiving the notice.

3. *The proposed rule changes would permit the selling dealer receiving a close-out notice which it does not retransmit to obtain an extension of time if the securities owed on the transaction are in transfer.*

In August 1982 the Congress passed, as part of the Tax Equity and Financial Responsibility Act of 1982, a requirement that most new issues of municipal securities issued after December 31, 1982 must be made available solely in registered form; recent Congressional action defers the effectiveness of this requirement to June 30, 1983. As a result of this requirement an increasing number of transactions will involve registered securities, and dealers will be required to submit securities for transfer more frequently. Delays in the transfer process may become a more significant factor affecting the municipal clearance process, and more close-out procedures may be initiated on transactions on which the failure to deliver is caused by the need to transfer the securities. The Board therefore believes that it may be appropriate to alter the close-out process to take into account this substantial change in the manner in which the industry will be clearing securities and to provide additional time to permit the transfer process to be accomplished.

Accordingly, the proposed rule changes would provide that, if the selling dealer receiving an initial notice of close-out from the originating purchaser has submitted the securities which it is failing to deliver to be transferred, the selling dealer may delay the delivery deadline and the execution period specified on the notice for ten business days by advising the purchaser of the reason for its failure to deliver. The selling dealer must advise the purchaser of the reason for its failure to deliver by telephone not later than the close of business on the business day following its receipt of the telephone notice of close-out from the purchaser; the selling dealer must confirm this notice in writing, sent return receipt requested not later than the following business day, including in such notice a statement of the dates of the new delivery deadline and the new execution period, as extended by the seller's action. This time extension, however, would be available only to the selling dealer first receiving the notice of close-out from the originating purchaser. If the notice of close-out is retransmitted to another dealer, and this third dealer is the party which has submitted the securities for transfer, the third dealer would not be able to invoke an additional time extension attributable to the fact that the securities are being transferred.

The proposed rule changes provide that this time extension for securities in transfer shall be available only on close-outs initiated prior to January 1, 1985. The Board believes that, as more efficient transfer mechanisms become available on a wider range of municipal issues, there will be less need for additional time on a close-out procedure.

(b) The proposed rule changes have been adopted pursuant to section 15B(b)(2)(C) of the Securities Exchange Act of 1934, as amended, which authorizes and directs the Board to adopt rules which are:

"Designed * * * to foster cooperation and coordination with persons engaged in * * * clearing, settling, processing information with respect to, and facilitating transactions in municipal securities * * * and, in general, to protect investors and the public interest * * *."

The Board is of the view that the proposed rule changes will facilitate the settlement of reclaimed transactions, permit more efficient use of the close-out procedure, and protect the public interest by providing for an appropriate period of time to complete transfer processes.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board believes that the proposed rule changes will have no effect on competition inasmuch as they make certain technical and procedural changes to the closeout provisions that apply equally to all municipal securities brokers and dealers.

C. Self-Regulatory Organization's Statement of Comments on the Proposed Rule Changes Received from Members, Participants, or Others

On September 29, 1982 the Board released an exposure draft of several amendments to rule G–12(h), including amendments substantially similar to the proposed rule changes; the Board received seven letters of comment on the exposure draft.

The letters were generally supportive of the concepts reflected in the proposed rule changes. Certain of the commentators expressed the view that certain time periods were too short; the Board has addressed part of their concern in the proposed rule changes, and believes that any remaining concern may be attributable to misunderstanding of the manner in which the time periods would function.

With respect to the extension of time for securities in transfer, several commentators expressed the view that such an extension of time should also be available in the event that the close-out notice was retransmitted. While the Board is not unsympathetic to these commentators' concerns, the Board believes that making the extension also available in the event of a retransmittal would significantly hamper the efficient handling of a closeout procedure by including complicated requirements for determining such time extensions and notifying all parties to the retransmittal of changes in dates.

On balance, the Board believes that it is necessary to preserve a relatively simple and efficient close-out procedure, and not to complicate the procedure to provide for an extension for transfer on retransmitted notices.

III. Date of Effectiveness of the Proposed Rule Changes and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 25, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-11800 Filed 5-2-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2078; Amdt. #6]

California; Declaration of Disaster Loan Area

The above numbered Declaration (48 FR 8167), Amendment #1 (48 FR 9610), Amendment #2 (48 FR 12881), Amendment #3 (48 FR 15207), Amendment #4 (48 FR 16565), and Amendment #5 (48 FR 18969) are amended to include the County of San Joaquin and the adjacent Counties of Yuba, Sacramento and Fresno to the previously declared disaster area in the State of California as a result of damage caused by severe storms, high tides, wave action, mudslides and flooding beginning on January 21, 1983. All other information remains the same, i.e., the termination date for filing applications for physical damage is close of business on April 11, 1983, and for economic injury until the close of business on November 9, 1983.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: April 1, 1983.

Heriberto Herrera,

Acting Administrator.

[FR Doc. 83-11750 Filed 5-2-83; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #081]

Louisiana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration, I find that the Parishes of Ascension, East Baton Rouge, East Feliciana, Jefferson, Livingston, Orleans, Pointe Coupee, St. Bernard, St. Tammany, Tangipahoa and Washington, Louisiana, constitute a disaster area because of damage resulting from severe storms and flooding beginning on April 1, 1983. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on June 20, 1983, and for economic injury until the close of business on January 20, 1984, at: U.S. Small Business Administration, Ford-Fisk Building, 1661 Canal Street, 2nd Floor, New Orleans, Louisiana 70112, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere—11½%

Homeowners without credit available elsewhere—5¾%

Businesses with credit available elsewhere—10½%

Businesses without credit available elsewhere—8%

Businesses (EIDL) without credit available elsewhere—8%

Other (non-profit organizations including charitable and religious organizations)—11⅝%

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008).

Dated: April 25, 1983

James C. Sanders,

Administrator.

[FR Doc. 83-11749 Filed 5-2-83; 8:45 am]

BILLING CODE 8025-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments; Certain Silica-Coated Lead Chromate Pigments

The United States International Trade Commission (the Commission) has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, and in the sale, of certain silica-coated lead chromate pigments that were found to infringe the claims of U.S. Letters Patent 3,639,133, causing substantial injury to an efficiently and economically operated U.S. industry. The Commission ordered the product involved, when produced by those found to be in violation of section 337, excluded from entry into the United States.

Under section 337(g), the President may disapprove the determination of the Commission for policy reasons within sixty days following receipt of the determination and record. Disapproval by the President would cause the determination, and any order issued under its authority, to be without force or effect. The President also may approve the determination, making the determination, and any order issued under its authority, final on the date the Commission receives notice. The determination, and any related order, will become final automatically following the sixty day review period if the President has not disapproved it.

Interested parties are invited to submit comments concerning foreign or domestic policy issues that should be considered by the President in making his decision regarding the case. Parties submitting comments regarding domestic policy issues should refer to the portion of the Commission record in which information or comment concerning that issue was presented. If no presentation of the domestic policy issue being raised was made to the Commission, the party submitting the comment should include the reason for the lack of such presentation. The Trade Representative will be reluctant to

review comments concerning domestic policy issues not addressed in the record developed before the Commission. Interested parties need not refer to the Commission record in comments based upon foreign policy issues.

Comments submitted should not exceed 15 letter-sized pages, including attachments. The original and 19 copies of the submission must be delivered by the close of business, Friday, May 20, 1983, to the Secretary, Trade Policy Staff Committee, 600 17th Street, NW., Washington, D.C. 20506. Copies of comments received will be made available upon request and additional comments will be accepted through the close of business, Friday, May 27, 1983. For further information, call Alice Zalik (202) 395-3432.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 83-11774 Filed 5-2-83; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular, Public Debt Series—No. 12-83]

Treasury Notes of May 15, 1986; Series M-1986

April 28, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $6,500,000,000 of United States securities, designated Treasury Notes of May 15, 1986, Series M-1986 (CUSIP No. 912827 PL 0). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated May 16, 1983, and will bear interest from that date, payable on a semiannual basis on November 15, 1983, and each subsequent 6 months on May 15 and November 15 until the principal becomes payable. They will mature May 15, 1986, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, May 3, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, May 2, 1983, and received no later than Monday, May 16, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $5,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal reserve banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average a yield of accepted competitive tenders. Price

calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determination of the Secretary of the Treasury shall be final. If the amount of non-competitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject a any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, May 16, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, May 12, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-11908 Filed 4-29-83; 3:00 pm]

BILLING CODE 4810-40-M

[Department Circular Public Debt Series—No. 13-83]

Treasury Notes of May 15, 1993; Series B-1993

April 28, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $4,750,000,000 of United States securities, designated Treasury Notes of May 15, ,1993, Series B-1993 (CUSIP No. 912827 PM 8). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated May 16, 1983, and will bear interest from that date, payable on a semiannual basis on November 15, 1983, and each subsequent 6 months on May 15 and November 15 until the principal becomes payable. They will mature May 15, 1993, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 4, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 3, 1983, and received no later than Monday, May 16, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 97.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, or allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, May 16, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, May 12, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2 In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this cirular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-11900 Filed 4-29-83; 3:00 pm]

BILLING CODE 4810-40-M

[Department Circular, Public Debt Series—No. 14-83]

10¾ Percent Treasury Bonds of 2007–2012

April 28, 1983.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of Chapter 31 of Title 31, United States Code, invites tenders for approximately $3,750,000,000 of United States Securities, designated 10¾% Treasury Bonds of 2007–2012 (CUSIP No 912810 DB 1). The securities will be sold at auction, with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be issued May 16, 1983, and are offered as an additional amount of 10¾% Treasury Bonds of 2007–2012 (CUSIP No. 912810 DB 1) dated November 15, 1982. Payment for the securities will be based on the price equivalent to the bid yield determined in accordance with this circular, plus accrued interest from May 15, 1983, to May 16, 1983. Interest on the securities offered as an additional issue is payable on a semiannual basis on November 15, 1983, and each subsequent 6 months on May 15 and November 15 until the principal becomes payable. They will mature November 15, 2012, but may be redeemed at the option of the United States on and after November 15, 2007, in whole or in part, at par and accrued interest on any interest payment date or dates, on 4 months' notice of call given in such manner as the Secretary of the Treasury shall prescribe. In case of partial call, the securities to be redeemed will be determine by such method as may be prescribed by the Secretary of the Treasury. Interest on the securities called for redemption shall cease on the date of redemption specified in the notice of call. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Securities registered as to principal and interest will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of registered and book-entry securities, and the transfer of registered securities will be permitted. Bearer securities will not be available, and the interchange of registered or book-entry securities for bearer securities will not be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, May 5, 1983. Noncompetitive tenders as defined below will be considered timely if postmarked no late than Wednesday, May 4, 1983, and received no later than Monday, May 16, 1983.

3.2. The face amount of securities bid for must be stated on each tender. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.10%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are permitted to submit tenders only for their own account.

3.4. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and

loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commerical bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Competitive tenders at yields higher than 11.22% will not be accepted, because the equivalent prices would fall below the original issue discount limit of 92.750. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will be notified only if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted, and must include accrued interest from May 15, 1983, to May 16, 1983, in the amount of $.28193 per $1,000 of securities allotted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Monday, May 16, 1983. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Thursday, May 12, 1983. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, and to receive payment for and make delivery of securities on full-paid allotments.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-11910 Filed 4-29-83; 3:00 pm]

BILLING CODE 4810-40-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) and Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), I hereby determine that the objects in the exhibit, "Lucas Van Leyden and His Contemporaries" (included in the list [1]

[1] An itemized list of objects included in the exhibit is filed as part of the original document.

filed as a part of this determination) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to a loan agreement between the foreign lenders and the National Gallery of Art. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art, beginning on or about June 5, 1983, to on or about August 14, 1983; and at the Museum of Fine Arts, Boston, Massachusetts, beginning on or about September 14, 1983, to on or about November 20, 1983, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: April 29, 1983.

Jonathan W. Sloat,

General Counsel and Congressional Liaison, United States Information Agency.

[FR Doc. 83-11885 Filed 5-2-83; 8:45 am]

BILLING CODE 8230-01-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Renewal

This is to give notice in accordance with the Federal Advisory Committee Act (Pub. L. 92-463) of October 6, 1972, that the Advisory Committee on Health-Related Effects of Herbicides has been renewed by the Administrator of Veterans Affairs for a two year period beginning April 20, 1983 through April 20, 1985.

Dated: April 27, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-11707 Filed 5-2-83; 8:45 am]

BILLING CODE 8320-01-M

Career Development Committee; Availability of Annual Report

Under section 10(d) of Pub. L. 92-4363 (Federal Advisory Committee Act) and OMB Circular A-63 of March 27, 1974, notice is hereby given that the Annual Report for the calendar year 1981 has been issued for the Veterans Administration, Medical Research Service, Career Development Committee.

The report summarizes the activities of the committee on matters related to the review and evaluation of Career Development applications. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications, Reading Room LM 133, Madison Building, Washington, D.C. 20540,

and

Veterans Administration, Medical Research Service, Career Development Program, Room 757, 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: April 25, 1983.

By Direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-11709 Filed 5-2-83; 8:45 am]

BILLING CODE 8320-01-M

Cooperative Studies Evaluation Committee; Meeting

The Veterans Administration gives notice under Public Law 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held in the Thomas Room, Washington Marriott Hotel, 1221 22nd Street, N.W., Washington, D.C. 20037, on June 27, 1983. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, and the scientific validity and propriety of technical details, including protection of human subjects. The Committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., on June 27, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator, Cooperative Studies Evaluation Committee, Veterans Administration Central Office, Washington, DC (202-389-3702), prior to June 17, 1983.

The meeting will be closed from 8:30 a.m. to 4:30 p.m. on June 27, for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92-463, as amended by section 5(c) of Pub. L. 94-409, and subsections (c)(6) and (c)(9)(B) of section 552b, title 5, United States Code. During this portion of the meeting, discussions and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Additionally, premature disclosure of the Committee's recommendations would likely frustrate implementation of final proposed actions.

Dated: April 22, 1983.

By direction of the Administrator.

Rosa Maria Fontanez

Committee Management Officer.

[FR Doc. 83-11710 Filed 5-2-83; 8:45 am]

BILLING CODE 8320-01-M

Veterans' Advisory Committee on Rehabilitation; Meeting

The Veterans Administration gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation, authorized by 38 U.S.C., 1521, will be held in Room 1010 of the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C. 20420, May 25, 1983, at 9 a.m. The purpose of the meeting will be to review the administration of veterans' rehabilitation programs and provide recommendations to the Administrator as the Committee determines appropriate.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Dr. Carole J. Westerman, Executive Secretary, Veterans' Advisory Committee on Rehabilitation (phone 202-389-2886) prior to May 16, 1983.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after meeting. Oral statements will be heard at 2:30 p.m. on May 25, 1983.

Dated: April 26, 1983.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 83-11708 Filed 5-2-83; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 86
Tuesday, May 3, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, May 10, 1983.

PLACE: 2033 K Street NW., Washington, D.C., fifth floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Arbitration—Final Rules

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-624-83 Filed 4-29-83; 12:56 pm]

BILLING CODE 6351-01-M

2

COPYRIGHT ROYALTY TRIBUNAL

DATE AND TIME: Thursday, May 12, 1983, 2:30 p.m.

PLACE: Copyright Royalty Tribunal, 1111 20th Street NW., #450, Washington, D.C. 20036.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. 1982 Adjustment of Rates for Use of Certain Copyrighted Works by Non-Commercial Broadcasting: Proposed amendment to § 304.6.

CONTACT PERSON FOR FURTHER INFORMATION: Edward W. Ray, Chairman, Copyright Royalty Tribunal, 1111 20th Street NW., #450, Washington, D.C. 20036; (202) 653-5175.

Edward W. Ray,

Chairman.

April 28, 1983.

[S-629-83 Filed 4-28-83; 4:11 pm]

BILLING CODE 1410-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Item From April 27th Open Meeting

April 27, 1983.

The following items have been deleted at the request of the Office of Commissioner Jones from the list of agenda items scheduled for consideration at the April 27, 1983 Open Meeting and previously listed in the Commission's Notice of April 20, 1983.

Agenda, Item No., and Subject

Common Carrier—6—*Title:* National Association of Regulatory Utility Commissioners Petition for Declaratory Ruling that State Commissions Have Authority to Require Exchange Carriers to Provide and Maintain Basic Telephone Instruments and Associated Inside Wiring. *Summary:* The Commission will consider whether it is consistent with the *Second Computer Inquiry* for states to require telephone companies to provide customer premises equipment and related installation and maintenance services to their subscribers on a detariffed basis under a specific alternative regulatory scheme proposed by NARUC.

Common Carrier—7—*Title:* Adoption of Rules Relating to the Provision of CPE by the Florida Public Service Commission. *Summary:* In response to a petition for declaratory ruling filed by the Florida Telephone Association, the Commission will consider whether the *Second Computer Inquiry* has preempted the Florida PSC's requirements relating to the provision of customer premises equipment by carriers.

Deletion of Agenda Item From April 27th Closed Meeting

The following item has been deleted at the request of the Office of Commissioner Rivera from the list of agenda items scheduled for consideration at the April 27, 1983 Closed Meeting and previously listed in the Commission's Notice of April 20, 1983.

Agenda, Item No., and Subject

Hearing—4—Application for Review in the TV-8, Inc., Somerset, Kentucky UHF television comparative proceeding (BC Docket Nos. 80-454 and 455).

Issued: April 27, 1983.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-622-83 Filed 4-28-83; 4:33 pm]

BILLING CODE 6712-01-M

4

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Monday, May 9, 1983.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. 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 28, 1983.

James McAfee,

Associate Secretary of the Board.

[S-626-83 Filed 4-29-83; 2:42 pm]

BILLING CODE 6210-01-M

5

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 10 A.M., WEDNESDAY, MAY 4, 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), (c)(9)(B) (disclose information the premature disclosure of which would * * * be likely to significantly frustrate implementation of a proposed agency action * * *) and (c)(10) (specifically concern * * * the agency's participation in a civil action or proceeding, * * *)

MATTERS TO BE CONSIDERED: 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 28, 1983.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[S-628-83 Filed 4-28-83; 4:16 pm]

BILLING CODE 7545-01-M

6

PAROLE COMMISSION

[3P0401]

U.S. Parole Commission, National Commissioners (the Commissioners presently maintaining offices at Chevy Chase, Maryland Headquarters).

DATE: Wednesday, May 4, 1983.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 5 cases in which inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission, (301) 492–5987.

[S-625-83 Filed 4-29-83; 2:17 pm]

BILLING CODE 4410-01-M

7

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 17433, April 22, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street, NW., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, April 19, 1983.

CHANGES IN THE MEETING: Additional items. The following additional items will be considered at a closed meeting scheduled for Thursday, April 28, 1983, following the 10 a.m. open meeting:

Institution of administrative proceedings of an enforcement nature.
Regulatory matter regarding financial institution.
Litigation matter.

Chairman Shad and Commissioners Evans, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

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: Steven Boehm at (202) 272–2467.

April 28, 1983.

[S-623-83; 4-29-83 10:50 am]

BILLING CODE 8010-01-M

federal register

Tuesday
May 3, 1983

Part II

Department of Energy

Western Area Power Administration

Colorado River Storage Project; Order Confirming, Approving, and Placing Increased Power and Transmission Rates in Effect on an Interim Basis

DEPARTMENT OF ENERGY

Western Area Power Administration

[Rate Order No. WAPA-19]

Colorado River Storage Project; Order Confirming, Approving, and Placing Increased Power and Transmission Rates in Effect on an Interim Basis

AGENCY: Western Area Power Administration, Energy.

ACTION: Notice of Rate Order—Colorado River Storage Project.

SUMMARY: Notice is given of Rate Order No. WAPA-19 of the Assistant Secretary for Conservation and Renewable Energy placing power and transmission rates into effect with the June 1983 billing period on an interim basis for power marketed by the Western Area Power Administration (Western) from the Colorado River Storage Project (CRSP), Arizona, Colorado, New Mexico, Nevada, Utah, and Wyoming.

The wholesale firm power rate consists of a capacity charge of $2.09 per kW-month and an energy charge of 5.0 mills per kWh. At a 58.2-percent seasonal load factor, the composite rate is 9.92 mills per kWh. This is a 2.03 mills per kWh increase over the previous firm power rate. The new firm transmission rate is $10.27 per kW-year, which is a $3.67 per kW-year increase over the previous rate. The nonfirm transmission rate has been increased by 1 mill per kWh to a charge 2 mills per kWh.

The rate order discusses the principal factors leading to the decisions made and responds to the comments, criticisms, and alternatives offered during the public adjustment preceedings.

ADDRESSES: FOR FURTHER INFORMATION CONTACT:

Mr. Albert M. Gabiola, Area Manager, Salt Lake City Area Office, Western Area Power Administration, P.O. Box 11606, Salt Lake City, UT 84148, (801) 524-5493

Mr. Conrad Miller, Chief, Rates and Statistics Branch, Western Area Power Administration, P.O. Box 3402, Golden, CO 80401, (303) 231-1535

Mr. Fred Sheap, Office of Power Marketing Coordination, CE-90, Department of Energy, Mail Code 3353, Federal Building, Washington, DC 20461, (202) 633-8338.

SUPPLEMENTARY INFORMATION: By Delegation Order No. 0204-33, effective January 1, 1979 (43 FR 60636, December 28, 1978), the Secretary of Energy delegated to the Assistant Secretary for Resource Applications the authority to develop power and transmission rates, acting by and through the Administrators, and to confirm, approve, and place in effect such rates on an interim basis, and to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. Due to a Department of Energy organizational realignment, Delegation Order No. 0204-33 was amended, effective March 19, 1981 (46 FR 25426, May 7, 1981), to transfer the authority of the Assistant Secretary for Resource Applications to the Assistant Secretary for Conservation and Renewable Energy.

Rate adjustments on the CRSP are conducted consistent with the procedural rules applicable to Western. Final procedures for public participation in general adjustments were published in the **Federal Register** on March 23, 1978 (43 FR 12076), April 5, 1978 (43 FR 14359), and February 7, 1979 (44 FR 7796).

Proceeding on the new rates were initiated in April 1982, with an advance announcement that a power rate adjustment was being considered at a CRSP customer meeting in Salt Lake City, Utah. A **Federal Register** notice (47 FR 46369, October 18, 1982) officially announced the proposed rate adjustments. A public information forum was held on November 16, 1982, in Salt Lake City, Utah; and a public comment forum was held on December 16, 1982, in Salt Lake City, Utah. A 90-day consultation and comment period extended from October 18, 1982, to January 16, 1983. During this period, interested parties consulted with and made comments to Western concerning the proposed rate adjustments.

Customer comments received at the forums and during the consultation and comment period primarily related to the power repayment study (PRS). There were no rate design issues raised. After reviewing and considering the comments received, the records of the forums, and reevaluating the August 1982 PRS, a number of changes were made and a revised PRS prepared in April 1983. The public comments and Western's reevaluation addressed the following major issues:

1. Operation and maintenance (O&M) expense.
2. Repayment of the irrigation allocation of the storage units.
3. Projections of capacity sales.
4. Water depletions.
5. Revenue projections.
6. Stepped rates/participating project costs.
7. Replacement costs.
8. Interest expense.

Comments pertaining to O&M expenses, along with the inclusion of actual FY 1982 data, and the recalculation of the Central Utah Project and Seedskadee Project power revenues were the basis for the revised PRS of April 1983. The new rates will provide the revenues required as determined by this revised PRS. A discussion of the issues is in the rate order.

Therefore, Rate Order No. WAPA-19 confirming and approving increased power and transmission rates on an interim basis is hereby issued, and the rates will be promptly submitted to the FERC for confirmation and approval on a final basis.

Issued in Washington, DC, April 25, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

Pursuant to section 302(a) of the Department of Energy (DOE) Organization Act of August 4, 1977 (42 U.S.C. 7101 et seq.), the power marketing functions of the Secretary of the Interior for the Bureau of Reclamation (BuRec) under the Reclamation act of 1902 (43 U.S.C. 372 et seq.), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Act of 1939 (43 U.S.C. 485h (c)) and acts specifically applicable to the Colorado River Storage Project (CRSP), were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-33, effective January 1, 1979, as amended March 19, 1981 (46 FR 25426, May 7, 1981), the Secretary of Energy delegated to the Assistant Secretary for Conservation and Renewable Energy, the authority to develop power and transmission rates, acting by and through the Administrator of the Western Area Power Administration (Western), and to confirm, approve, and place in effect such rates on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) the authority to confirm and approve on a final basis or to disapprove rates developed by the Assistant Secretary under the delegation. This rate order is issued pursuant to the delegation to the Assistant Secretary and the rate adjustment procedures at 45 FR 86983 (December 31, 1980) as corrected at 46 FR 6864 (January 22, 1981) and amended at 46 FR 25426 (May 7, 1981).

Background

Existing and Increased Rates

The increased rates which are the subject of this order supersede the existing rates as follows:

	Existing rates	Increased rates
Firm Power		
Demand charge $/kW-month	1.655	2.09
Energy charge mills/kWh	4.00	5.00
Composite rate @58.2 percent seasonal load factor-mills/kWh	7.89	9.92
Effective date	Jan. 23, 1981	June 1983 billing period.
Rate schedule	SP-F1	SP-F2.
Peaking Power		
$/kW-month	1.655	2.09
Effective date	Jan. 23, 1981	June 1983 billing period.
Rate schedule	SP-FP1	SP-FP2.
Firm Transmission		
$/kW year	6.60	10.27.
Effective date	May 1974	June 1983 billing period.
Rate schedule		SP-FT1.
Nonfirm Transmission		
Mills/kWh	1.00	2.00
Effective date	October 1965	June 1983 billing period.
Rate schedule		SP-NFT1.

Project History

On April 11, 1956, the CRSP, including some participating projects, were authorized by Pub. L. 84–485. Subsequently, 10 additional participating projects have been authorized. By means of the four authorized storage units, the flow of the Colorado River is regulated in such a way that irrigation, municipal, industrial, and other water use developments in the Upper Colorado River Basin can be made while still maintaining water flows into the lower basin as required by the Colorado River Compact. Facilities have also been provided at the storage units for flood control, for recreation, and for other beneficial purposes. In order to maximize the use of water and to obtain revenues to assist in the repayment of the irrigation developments, power generating plants have been installed at three of the four storage units. A power generating plant has been installed on one of the participating projects, and generating plants will be included on other participating projects where such developments are found to be feasible. The table below lists the existing powerplants with their nameplate capacities and dates of initial service.

	Nameplate capacity NW	Inservice date
CRSP:		
Glen Canyon	1021	Sept. 1964.
Flaming Gorge Powerplant	108	Nov. 1963.
Wayne N. Aspinall unit:		
Blue Mesa Powerplant	60	Sept. 1967.
Morrow Point Powerplant	120	Dec. 1970.
Crystal Powerplant	28	Aug. 1978.
Subtotal	1,337	
Participating Projects: Seedskadee Project—Fontenelle Powerplant	10	May 1968.
Total	1,347	

Transmission facilities include a high-voltage transmission grid to deliver power to wheeling agents and to established delivery points in the market area, to provide interconnections among the plants of the CRSP units and participating projects, and to interconnect with other existing Federal and utility systems within the market area.

Power Repayment Studies

A power repayment study (PRS) for the CRSP storage units and authorized participating projects is prepared annually by Western with the cooperation of the BuRec to ensure that revenues will be adequate to repay costs. Basic river basin hydrology, water depletions, power generation, and project development data are provided by the BuRec. A PRS is prepared in accordance with CRSP authorizing legislation, the Reclamation Project Act of 1939, other applicable statutes, and with DOE Order No. RA 6120.2 on power marketing administration financial reporting.

The studies array historic income, expense, and investment to be repaid from power revenues, along with estimates for future years, and schedule the annual repayment of power production and transmission costs of a power system, as well as nonpower costs assigned to power for repayment, through the application of revenues over the repayment period of the project. The studies show, among other items, estimated revenues and expenses year-by-year over the remainder of the study period, the estimated amount of Federal investment repaid during each year, and the total estimated amount of Federal investment remaining to be repaid at the end of each year. The studies determine revenue requirements but do not deal with rate design.

Western is required to transmit and dispose of CRSP power and energy in such a manner as to encourage the most widespread use thereof at the lowest possible rates consistent with sound business principles. This rate increase is consistent with that requirement.

Public Notice and Comments

Published "Procedures for Public Participation in Power and Transmission Rate Adjustments" for power marketed by Western and other power marketing administrations have been followed in the development of this rate. The following discussion summarizes the steps Western took to assure involvement of interested parties in the rate process.

1. On April 30, 1982, an advance announcement was made at a CRSP customer meeting in Salt Lake City, Utah, that a power rate adjustment was being considered, and that a preliminary study indicated the firm power rate would need to be increased from the present composite rate of 7.89 to about 10 mills per kWh at 58.2 percent seasonal load factor.

2. A **Federal Register** notice (47 FR 46369, October 18, 1982) announced the proposed power and transmission rate adjustments and the public information and comment forums.

3. A press release was issued on October 18, 1982, announcing the proposed rate adjustments and the public information and comment forums.

4. Letters were sent to customers and other interested parties which announced the proposed rate adjustments and forums and transmitted copies of the rate brochure dated October 1982; the October 18, 1982, press release; and the October 19, 1982, **Federal Register** notice.

5. A public information forum was held on November 16, 1982, in Salt Lake City, Utah. Western explained the need for the rate increase and presented the results of the October 1982 PRS upon which proposed rate increases were based. The rates proposed were $2.15/kW-month for firm and peaking capacity and 5 mills/kWh for firm energy. The transmission rates were $10.27/kW-year for firm transmission and 2 mills/kWh for nonfirm transmission service. Questions were answered at this forum or later in writing by the Western and/or BuRec representatives.

6. A public comment forum was held on December 16, 1982, in Salt Lake City, Utah, to allow interested parties an opportunity to comment. Oral and written comments were accepted at this forum. Upon request, Western met with customer representatives during the comment period to answer their questions.

7. Written comments were accepted through the comment period ending January 16, 1983.

After reviewing and considering the comments received, the records of the forums, and reevaluating the October 1982 PRS, a number of changes were made and a revised PRS prepared in April 1983.

Discussion

Most of the issues discussed below relate to the PRS. There were no rate design issues raised during the public comment period. The issues that resulted in PRS modifications are discussed first.

Issues Resulting in PRS Modifications

Operation and Maintenance Expense. Comments received about operation and maintenance (O&M) expenses centered on: (1) Including the cost of construction of the Ault and Archer Substations as an O&M cost; (2) projecting too much for extraordinary or nonrecurring O&M expenses through the FY 1982-86 period and continuing the FY 1986 amount for the years thereafter; (3) including movable equipment such as an airplane as an O&M expense in the year such equipment is purchased instead of amortizing it over its service life; and (4) including unidentified replacements as an O&M cost.

Some commentors misunderstood information Western provided and thought that the construction costs of the Ault and Archer Substation additions were included as an O&M expense in the PRS. Actually, the PRS treated the aforementioned construction costs as part of the power investment cost and not as an O&M expense. At the time the two substation additions were expected to be placed in service, the estimated O&M costs in the PRS were increased for the additional labor and material costs associated with operating and maintaining the additional equipment. The estimated costs included in the PRS for O&M expenses that were identified as being associated with additions at the Archer and Ault Substations also included other CRSP substation O&M costs in the Loveland-Fort Collins Area. O&M program, it has been necessary to perform some special items of maintenance; i.e., items that are out of the ordinary. On program documents since FY 1977, expenses associated with such items have been termed "extraordinary maintenance" by the BuRec and "nonrecurring maintenance" by Western. Since there have been actual expenditures of this type each year, at least since FY 1977, it is logical to program funds for such expenditures for all future years. The specific item to be maintained is identified whenever possible, and this is normally possible for several future years. Beyond that period of specific plans, an estimated amount of money is programmed for extraordinary or nonrecurring maintenance based on general experience. In the program documents used for the FY 1981 PRS, expenses programmed for extraordinary or nonrecurring maintenance were based on specific items for the years through FY 1984 (for such maintenance work as road repairs, spillway repairs, rock bolting canyon walls, vibration dampers on transmission lines, and penstock repairs) and were based on general estimates for FY 1985 and FY 1986. The amount for FY 1986 was assumed to continue for the remainder of the study period. Following is a tabulation of the total expenses used in the FY 1981 PRS for extraordinary and nonrecurring maintenance (millions of dollars):

FY 1981	FY 1982	FY 1983	FY 1984	FY 1985	FY 1986 & after
2.170	1.079	2.434	3.445	0.634	0.510

Since there are identifiable items to be maintained associated with the FY 1981–84 amounts and the nonspecific estimates for FY 1985 and thereafter are relatively small, the expenses projected in the FY 1981 PRS for extraordinary or nonrecurring maintenance are consistent with reasonable forecasting techniques and were not reduced.

A close examination of the way movable equipment is treated in the PRS as compared to the way it is handled in the financial records revealed inconsistencies. The PRS included capitalized movable equipment historically as plant inservice to be repaid the same as any other plant investment while movable equipment projected in the future was treated as an O&M cost and repaid the same year the equipment was acquired. Financial records treat movable equipment as an O&M expense to be repaid over its service life. For consistency, Western is now treating future movable equipment as an O&M expense and repaying it over its service life in the CRSP PRS. The historical movable equipment was removed from the plant inservice and was amortized over its service life as an O&M cost. Subsequent to the October 1982 PRS, Western has learned that the BuRec airplane will be used only about 25 percent of the time on activities associated with CRSP power operations. In the revised PRS, only 25 percent of the the airplane's cost was included as a CRSP O&M expense; and all movable equipment, including the airplane, is scheduled for repayment over the service life of the property.

In the October 1982 PRS, about $5.2 million of cumulative miscellaneous unidentified replacements were treated as O&M expenses from FY 1983 through FY 1986; and the FY 1986 cost of $1.8 million was projected through the end of the repayment period. These replacements have been removed from the O&M expenses and included as capitalized replacements with an assumed service life of 20 years.

By making the aforementioned changes in movable equipment and unidentified replacement costs, the revenue requirements from firm energy and capacity sales were reduced by about 2.5 percent.

Central Utah project and Seedskadee Project Power Revenues. In accordance with the CRSP authorizing legislation, after the storage units irrigation allocation and all interest-bearing investments are repaid, the remaining net revenue available for repayment, plus any surplus CRSP municipal and industrial (M&I) revenue, is used to repay that part of the irrigation allocation of participating projects which is beyond the irrigators' ability to repay. The above legislation requires that power revenues of participating projects which are part of the aforementioned net revenue available for repayment be credited directly to that participating project for irrigation assistance.

In the October 1982 PRS, the power revenues attributed to the Central Utah Project (CUP) and to Seedskadee Project were in the same proportion to the total revenue as their projected energy and capacity are to the total projected CRSP energy and capacity that is used in the PRS. This method of determining the revenues that should be assigned to these participating projects was established when nearly all the revenue in the PRS was derived from firm energy and capacity sales. The method has continued to be used without reexamination. A significant amount of revenue is now derived from sources other than firm energy and capacity sales, such as from fuel replacement energy sales. Because the power facilities of participating projects are not required to make these other sales, Western decided that the power revenue attributable to the CUP and Seedskadee Project should be proportional to the revenue from firm energy and capacity sales, and not to the total revenue. By making this change, the revenue requirements from firm energy and capacity sales were increased slightly.

Inclusion of FY 1982 Actual Revenue and Expense. The October 1982 PRS was based on conditions as of the end of FY 1981. As stated on page 2 of the October 1982 rate brochure, Western planned to use actual costs and revenues for FY 1982 in a revised PRS if feasible. In addition, the October 1982 PRS assumed that the effective date of the proposed rate increases would be

the April 1983 billing period. The substitution of actual in lieu of estimated FY 1982 costs and revenues, plus changing the effective date of the rate increases to the June 1983 billing period, increased the revenue requirements from firm energy and capacity sales by less than 1 percent.

Summary of Changes

A summary of the effect of the changes made in the April 1983 PRS are tabulated below:

Item	Change in proposed rate adjustment	
	(percent)	(mills/kWh
Changes in movable equipment and unidentified replacements	−2.5	−0.25
Changes in power revenues attributable to CUP and seedskadee Project	+0.5	+0.05
Inclusion of FY 1982 actual costs and revenues	+0.6	+0.06
Total	−1.4	−0.14

The net result of the above changes is to reduce the composite rate at 58.2-percent seasonal load factor from 10.06 mills/kWh to 9.92 mills/kWh for a reduction of 0.14 mills/kWh.

Other Repayment Issues

Repayment of the Irrigation Allocation of the Storage Units. Customers had two areas of concern about the repayment of the irrigation allocation of the storage units as follows:

1. The FY 1977 PRS which was the basis for the last rate adjustment showed that the ultimate allocation to storage units irrigation was $106,656,000 while the FY 1981 PRS, which is the basis for the current rate adjustment, shows $111,135,000. Since the storage units have been completed for some time, this increase in allocated costs was questioned.

2. In addition to the increased allocation to irrigation between the two studies, there is a decrease in the suballocation to M&I water users and a decrease in surplus M&I revenues available for repaying the irrigation allocation. This appeared to be inconsistent.

The actual plant investment allocated to irrigation for the storage units as of FY 1981 was $106,290,000. Multipurpose investments which are currently underway or scheduled include about $5,200,000 for grouting and drainage at the Navajo Dam and Reservoir, about $1,800,000 for the water system at the Dutch John Government Camp (Flaming Gorge), and about $700,000 for general property at Glen Canyon. Of this $7,700,00, slightly over $4,800,000 is allocated to irrigation which, when added to the present irrigation allocation, brings the total to $111,135,000.

The FY 1977 PRS recognized M&I water sales contracts which were in effect at that time. It included a contract for 102,000 acre-feet annually with the Resources Company for water to be used in a large coal-fired powerplant on the Kaiparowits Plateau near Glen Canyon. The plans for the plant have been cancelled and the contract is no longer in effect. The FY 1981 study does not include revenue from this contract, but it does still take into account all water sales contracts which are in effect, including a contract for the sale of 3,000 acre feet annually to the city of Page, Arizona, which was executed subsequent to the FY 1977 PRS. These changes reduced the M&I water use by 99,000 acre-feet annually. This, in turn, reduced the suballocation to M&I and the surplus M&I revenue available for repaying the storage unit's irrigation allocation. The rational basis for the changes in the irrigation allocation of the storage units since the FY 1977 PRS was prepared precluded the necessity for modifying these forecasts in the FY 1981 PRS.

Projections of Capacity Sales. Some customers expressed the view that Western's projections of capacity sales were too low. They noted that the comparison of the projected capacity shown in the FY 1977 PRS with actual capacity sales for the FY 1978–1981 period are within 0.8 percent of each other, but they claimed that such a comparison is misleading. They stated that the comparison should be between projected "saleable" capacity and actual "saleable" capacity (not actual sales) and that such a comparison shows the actual "saleable" exceeds the projected "saleable" by 7.8 percent for the above FY 1978–1981 period. They believe that this comparison demonstrates that the capacity projections are too low. No other support for a change in the projections of capacity sales was offered. In fact, the average capacity projection would be the most accurate projection to use for "saleable" capacity. However, projections of capacity sales in the PRS are meant to project the amount of capacity that can reasonably be expected to be sold at firm capacity rates not what is available for sale.

The long-term capacity commitments in the CRSP contracts, which terminate in FY 1989, were derived from the amount of capacity which hydrologic studies projected would be available 100 percent of the time. Some additional capacity is therefore available for sale most of the time. Historically, all of the available short-term capacity has not been sold. As shown on exhibit A, during the 16 seasons between FY 1975 and FY 1982, there were 2 seasons when no additional capacity was offered, and 8 seasons during which available capacity was offered sale but was not all sold. This means that for 50 percent of the time during the last 8 years, Western was unable to market all of its offered capacity. Assuming that the conditions of the last 8 years are representative of the future and that the 279,462 kilowatts that were offered but unsold during that period are valued at the monthly capacity charge of $2.09 (Rate Schedules SP–F2 and SP–FP2), the unrealized revenues from offered firm capacity can be expected to exceed $3,500,000 every 8 years. Revenues would be overstated for the study period by over $47,000,000 if the study assumed all offered capacity would be sold and actual results were similar to the past 8 years of experience.

Capacity projections in the PRS are used to project the amount of capacity that can reasonably be expected to be sold at firm rates, not what is available. In addition to not always selling all of the firm capacity offered, some available capacity is utilized to deliver such things as fuel replacement energy, interchange energy, and scheduled or emergency outage assistance. The benefits and revenues resulting from these transactions are reflected elsewhere in the PRS. It therefore would be inappropriate to assume that all available capacity will be sold as firm capacity, and that a comparison of projected capacity with actual firm capacity sales is a valid comparison.

In making projections of capacity sales, consideration is give to several factors among which are: (1) The amount of capacity which hydrologic studies indicate will be available, (2) the amount of capacity which is under contract, (3) the apparent market for short-term firm capacity sales as opposed to other services, and (4) the expected availability of the generating units. The following tabulation gives a comparison of the projected capacity sales with the acutal historical capacity sales for the FY 1976–82 period.

Fiscal year	Projected capacity sales		Actual [1] sales (kW)	Amount projected sales exceeds actual sales (percent)
	Taken from	Sales (kW)		
1976	FY 1974 PRS	1,198,000	1,237,986	−3.3
1977	FY 1974 PRS	1,240,000	1,217,916	1.8
1978	FY 1977 PRS	1,237,000	1,214,003	1.9
1979	FY 1977 PRS	1,285,000	1,221,224	5.0
1980	FY 1977 PRS	1,305,000	1,326,961	−1.7
1981	FY 1977 PRS	1,303,000	1,351,296	−3.7
1982	FY 1981 PRS	1,393,500	1,354,312	2.8
Total		8,961,500	8,923,599	0.4

[1] The actual sales displayed here are taken from operating reports and are a refinement of those shown on page 23 of the October 1982 rate brochure.

Future capacity projections, based on past hydrologic conditions, are not precise, and Western has no conclusive evidence as to which capacity level would best approximate firm capacity sales over the study period. The relative impact on the rates of several alternatives is shown below:

Hydrologic capacity projection based on [1]	Average composite firm rate (at a 56.2 percent seasonal load factor) (mills/kWh)
Lower Envelope of Adverse	10.78
Lower Envelope of Lower Quartile	9.92
Smoothed Lower Quartile	9.77
Smoothed Average	9.60

[1] See exhibit D to CRSP substitute rate filing of March 21, 1983.

The October 1982 PRS utilized a hydrologic capacity projection based on the lower envelope of the lower quartile—the same level of sales anticipated in the FY 1977 PRS. The base hydrologic projection was adjusted for the period through 1986 to reflect expected unit outages at Glen Canyon to uprate the units. In the revised PRS (April 1983), the 1982 projection of 1,393,500 kW was reduced to the actual sale of 1,354,214 kW, and other minor adjustments were made such as revising the estimate of capacity sales for FY 1983 upward to 1,316,070 kW.

Western continued to use the lower envelope of the lower quartile hydrologic capacity as the base for its capacity sales projections for the following reasons:

1. About 980 to 1,580 megawatts of surplus thermal capacity are estimated to be available in the CRSP market area during the next 5 years, making it more difficult to market any available short-term capacity. In addition, the unit outages at Glen Canyon will substantially reduce the available capacity for the next 4 years.

2. During the 16 seasons between FY 1975 and FY 1982, there were 8 seasons during which all offered seasonal firm capacity was not sold and 2 seasons during which no short-term capacity was offered. Over the long term, it is reasonable to assume that there will continue to be periods when all offered capacity will not be sold.

3. While a comparison of the accumulated record of projected and actual capacity sales is short in hydrological terms and is not yet conclusive, it indicates that estimates have been anticipated in the very reasonable (within +5-percent accuracy). The projected sales exceeded actual sales by an average of 0.4 percent from 1976–1982.

4. Some available capacity is utilized to deliver fuel replacement energy and interchange energy, which are reflected elsewhere in the study.

Water Depletions. Some customers suggested that the water depletion schedule which affects projected revenues in the PRS is too high. They particularly questioned the inclusion of depletions for future participating projects whose status is questionable and depletions for unidentified developments. Including these depletions reduces the projected energy and capacity sales thereby increasing the revenue requirements in the PRS.

The State of Wyoming urged Western to continue using the water depletion schedule prepared by the BuRec with input from the four upper basin States of Colorado, New Mexico, Utah, and Wyoming.

The water depletion schedule that has been developed by the BuRec with input from the four upper basin States incorporates the assumption that the pressures of a growing population will eventually result in water developments utilizing each State's entitlement of the flow of the Colorado River. These developments may not necessarily be Federal projects, but anticipated water demands indicate that the water will be used. In fact, the four upper basin States do not accept the 5.8 million acre-feet limitation on upper basin depletions used by the BuRec in developing the depletion schedule. The States maintain that it is too low. The BuRec's depletion schedule, including a total of 5.8 million acre-feet of consumptive use by FY 2040, appears to be reasonable and Western has no basis for making any changes.

Revenue Projections. Some customers thought that Western's revenue projections were too conservative and that such understatement of projected revenues raises the rate needlessly high They pointed out that the projection in the FY 1977 PRS for FY 1978 through FY 1981 was nearly 32 percent lower than the actual revenue realized for the same period and that the projected revenues in the FY 1981 PRS for FY 1982 and FY 1983 were 23.0 and 16.4 percent, respectively, lower than the actual revenues in FY 1981.

A comparison of historical and projected revenues is meaningless unless an adjustment is made to account for the following differences: (1) Historical revenues are gross revenues, and (2) some projected revenues are gross revenues, but the projected fuel replacement energy revenues are net revenues (i.e., net of associated purchased power costs).

Therefore, an easier and more meaningful comparison is on the basis of the net revenues available for repayment. The term "net revenue available for repayment" means the gross revenue less operating expenses; i.e., the expenses associated with operation and maintenance, energy purchases, interest, wheeling, and salinity control. A comparison of projected net revenues in the FY 1977 PRS (November 1980 revision) and the FY 1981 PRS with the actual values for FY 1978–FY 1982 period is as follows:

NET REVENUES AVAILABLE FOR REPAYMENT
PROJECTED REVENUES

FY	As projected in	Amount ($1000)	Actual revenues ($1000)
1978	FY 1977 PRS	3,922	7,046
1979	FY 1977 PRS	9,234	−2,540
1980	FY 1977 PRS	20,983	35,561
1981	FY 1977 PRS	18,162	9,675
1982	FY 1981 PRS	19,461	10,034
Total		71,762	59,776
Average annual		14,356	11,955

% Projected Exceeds Actual = 20%

As can be seen from this tabulation, the actual net revenue available for repayment has been less than the projected amount. For the last 5 years the projected net revenues exceeded the actual by an average of 20 percent. While revenue estimates were higher, in large part because of netting, than

actual revenues in some years, if is clear that actual annual expenses also have been higher than estimated expenses so that, overall, the net revenues have been lower than the projected repayment requirements. Western is endeavoring to improve the accuracy of all of its estimates. However, it is obvious that any increase in projected revenues as a result of the elimination of netting must be accompanied by an even greater increase in costs (including the cost of purchased power for fuel replacement sales) to improve forcasting accuracy.

Stepped Rates/Participating Project Costs. Some customers stated that since many of the authorized participating projects will not be completed until well into the future and some projects will quite likely never be completed, it is improper to include all authorized participating projects in the PRS to determine the power rate needed at the present time. These customers proposed instead that the presently needed power rate be based on a PRS which includes only those participating projects which will be completed within 5 years beyond the current fiscal year; i.e., with an initial water service before FY 1987. They base their argument on the clause in DOE Order No. RA 6120.2, specifying the use of a 5-year evaluation period in the PRS. These customers proposed further that if it is necessary to prepare an annual report showing full repayment of all participating projects to comply with section 6 of Pub. L. 84–485, additional studies be prepared to include the costs of all participating projects and to show stepped increases in the power rate at various times in the future.

The benefits claimed for stepping the rates are as follows: (1) Power repayment studies would show repayment of all authorized projects, (2) present rates would not be influenced by the cost of future projects which may not be built, and (3) current ratepayers would not be required to pay higher rates caused by future projects to be completed beyond the 5-year cost evaluation period.

Representatives of the four upper basin States urged Western to continue to set rates based upon the criteria which have been used historically. They pointed out that a major purpose of the CRSP power systems was to provide for a timely implementation of plans to develop the water resources of the Upper Colorado River Basin.

Paragraph 10k of DOE Order No. 6120.2 directs that a PRS should include all power investment costs for existing systems and for all authorized power system facilities which will be inservice within the cost evaluation period. The cost evaluation period is defined in paragraph 7b of the order as "a period of time during which estimates of future costs and revenues may be modified to reflect changing conditions, normally 5 years." Paragraph 12b of the order directs that revenues should also be sufficient to recover the assisted irrigation investment or payments to basin funds, participating projects, or States; but no time period is specified for the inservice dates of the irrigation investments or participating projects. More significantly, Pub. L. 84–485 sanctions the inclusion of participating project costs beyond a 5-year period in the future. The Assistant Secretary has approved rates with such participating project costs included, and with the execution of this rate order will continue their inclusion. The FERC recognized that the 5-year cost evaluation period does not apply to participating project costs in its order dated October 1, 1982.

The imposition of a limit on the inclusion of future construction costs in determining power rates for investor-owned utilities is evaluated on fairness. That is, there is a point of view that future construction costs should not be borne by present ratepayers until the benefits from these costs are available to them. While a limit on including future costs may be reasonable for utilities whose only costs are those associated with providing power for their customers, the same is not true for a Federal multipurpose project such as the CRSP. For such projects, the irrigation assistance to participating projects does not provide any power benefits to present or future ratepayers. Under these conditions, stepping the rates would unfairly benefit current ratepayers at the expense of future ratepayers.

The method for treating participating project costs referred to in the March 8, 1983, letter to the Administrator of Western from the Commissioner of the BuRec (exhibit A to the CRSP substitute power rate filing of March 21, 1983) was used in the FY 1981 PRS for the first time. This jointly developed method is consistent with both Western and BuRec policies. BuRec policies reflect an interpretation of their statutory responsibilities and are understood by Western to require that costs for all authorized participating projects be included in the PRS. The BuRec is considering alternate policies for determining how participating project costs should be included in the PRS. If adopted, these policies would refine the method that was used in the FY 1981 PRS which is described here:

1. Inservice dates for projects that are not in an active planning status and for which no satisfactory plan has been developed are scheduled by BuRec so that they do not affect PRS revenue requirements. The LaBarge, Fruitland-Mesa, San Miguel, Savery-Pot Hook, and West Divide Projects are in this category.

2. For project features that definitely will not be built, such as the Seedskadee irrigation feature, only costs already spent are included in the PRS.

3. Inservice dates for projects that are in the active planning process or have met the required conditions for construction are scheduled by the BuRec without considering their effect upon PRS revenue requirements. Exhibit B shows that status of these projects.

The PRS methodology permits these future participating project costs to be included without increasing revenue requirements to an excessive level.[1] This is possible because the investments in facilities that are already inservice do not have fixed annual repayment schedules. Within the constraints specified by statute, repayment schedules for the various features and units of a project are established in the PRS to minimize annual revenue requirements. This repayment flexibility also accommodates fluctuating net revenues of a hydroelectric system without requiring similarly fluctuating rate adjustments. Thus, rate stability—one objective of Federal ratemaking—has traditionally been achieved with the use of a PRS. The concept of a stepped rate undermines a basic raison d'etre of the PRS and is philosophically incompatible with the averaging that is fundamental to the PRS. A PRS was at one time called an average rate and repayment study. The introduction of a stepped-rate concept into the PRS would jeopardize the timely recovery of existing investment costs.

There are, therefore, two compelling reasons for rejecting the stepped-rate concept: (1) It would jeopardize the timely recovery of existing investment costs, and (2) it would unfairly benefit current customers at the expense of future customers.

Replacement Costs. The customers expressed the view that the large cyclic variation in replacement costs should be spread out, thereby shifting costs past the "ratesetting" year so that the revenue requirements would be reduced. They further noted that replacements do not appear to be capitalized after FY

[1] As long as rates return revenues that are not greater than would be required to amortize facilities already in service on a straight-line basis (a method commonly used by electric utilities), they could not reasonably be considered excessive. (See exhibit C to CRSP substitute rate filing of March 21, 1983.)

2008 except for FY 2014 and that had they been capitalized, the power rate could be reduced.

The replacements used in the PRS are based on the service lives of the items being replaced, and the projected cost of such items is shown in the year they are expected to be placed inservice. Western is taking the customers' suggestions under advisement and will consider some modifications in the projection of replacements in the next PRS. Western's effort will continue to be to estimate replacement investments as closely as possible to the manner in which the investments actually will occur. It may be possible to mitigate the large cyclic variations in the projected replacements, but it is questionable whether the power rates will be reduced as a result. The ratesetting year of 2057 had a very modest projection of $1,577,000 for replacements, as compared to over $28,000,000 in some years. It is just as likely that a redistribution of replacement costs would increase the revenue requirements as decrease them.

Replacements have been treated as capitalized investments in the PRS for about 10 years. During 1972, the BuRec adopted two PRS policies—that replacements would be capitalized and that the highest interest-bearing investments would be repaid first to the extent that this is possible while repaying all investments within their repayment periods. Since replacements often are the highest interest-bearing investments, they are normally repaid within a short period of time. The question of whether CRSP replacements must be paid as an annual expense or whether it is permissible to capitalize them has recently been evaluated. Western's Office of the General Counsel concluded that section 5(c) of the Colorado River Storage Act does not mandate annual repayment of replacements and does not prohibit the capitalization of replacement costs. Therefore, the administrative practice of amortizing CRSP replacements is lawful.

The historical interpretation of the CRSP Act has been that section 5(c) requires repayment of all CRSP costs, including replacements, prior to apportioning revenues in excess of the amounts needed to meet the requirements of the CRSP. The April 1983 CRSP adheres to that historical interpretation.

In the April 1983 PRS, the repayment of the storage units' costs allocated to power was completed in FY 2013 and costs allocated to irrigation was completed in FY 2014. Thereafter, replacement costs are paid each year before any revenue is made available for participating projects. Since the annual revenues are adequate to repay the costs of replacements at the time replacements are made, the effect of capitalizing replacements is the same as if replacements had been treated as an annual expense.

Interest Expense. The interest expense for the CRSP is determined by applying the interest rate to the unpaid investment which is inservice at the beginning of the year. In the CRSP PRS, no interest charges are made for the year in which investments are placed into service. This policy is a deviation from paragraph 10j(2) of Order No. RA 6120.2, but it is a continuation of the established practice for the CRSP. That practice was orginally established because the Department of the Interior's Solicitor advised the BuRec that using an interest credit (to recognize that CRSP power revenues are received monthly, rather than at the end of the year) would be inconsistent with the availability of CRSP revenues without further appropriation for the operation of CRSP (section 5(c) of the CRSP act). Consequently, these revenues could be spent for operations within a short period of time and would not be accruing interest. Since an interest credit was not used, the same concept was extended to interest charges on investments for the year they are placed in service. Recently, interest during construction has been included in the financial records through the fiscal year during which facilities are placed in service.

Western will be considering new interest rate policy in conjunction with its next CRSP rate adjustment and at that time will consider whether a charge of one-half year's interest should be made on investments placed inservice during the year as required by paragraph 10j(2) of Order No. RA 6120.2.

Other Comments. Some customers in southern Utah stated that the Secretary of the Interior's decision in the early 1960's to deliver power to them over existing transmission lines of others, instead of buidling Federal lines to deliver CRSP power, has not been fair to them. They also state that the existing system is not adequate and suggest that a line be built from Glen Canyon to St. George to solve the problem.

Western is studying the need for and feasibility of constructing additional transmission lines as needed for marketing CRSP power, but then need and feasibility of constructing transmission lines are outside the scope of this proposed rate adjustment.

Environmental Evaluation. As discussed on page 46 of the October 1982 rate brochure, section D of the DOE Regulations which were published in the February 23, 1983, **Federal Register** (47 FR 7976) state that the level of documentation for rate increases of power marketing administrations required under the National Environmental Policy Act of 1969 depends on the rate increase as it relates to the rate of inflation since the last rate increase.

Using the Consumer Price Index prepared by the Department of Labor as a measure of inflation, the estimated inflation from the date of the last rate increase to the planned date of the proposed rate increase is 22 percent. The power rate increase is 26 percent. From analyses of residential power rates of CRSP customers and of the effect of "passing through" the CRSP rate increase, it was determined that the effect on the ultimate consumer will be less than 11 percent.

The proposed rate increase would have no effect on the hydrologic operation of the Colorado River; consequently, there would be no change in reservoir fluctuations and river flows. Air quality, flora, and fauna will not be affected, nor will there be any effect on the cultural and/or recreational resources of the Colorado River Basin. Since the CRSP rate is below the cost of wholesale or self-generated firm capacity and energy in the CRSP market area or any other alternative sources of energy, it is unlikely that any CRSP customers will switch to another source of energy.

The proposed rate increase was discussed with the DOE Office of Environmental Compliance. They agree with Western's conclusion that the proposed rate increase will clearly have no significant environmental impacts. Therefore, neither an environmental impact statement nor an environmental assessment will be prepared. A memorandum addressing the environmental evaluation is on file in Western's offices.

Availability of Information

Information regarding this rate adjustment, including studies, comments, transcripts, and other supporting material, is available for public review in the Salt Lake City Area Office, Western Area Power Administration, 438 East 200 South, Suite 2, Salt Lake City, Utah 84111; in the office of the Director, Division of Marketing and Rates, Western Area Power Administration, 1627 Cole Boulevard, Golden, Colorado 80401; and in the Office of Power Marketing Coordination, Department of Energy, Room 5318, Federal Building, 12th and

Pennsylvania Avenue, NW.,
Washington, DC 20461.

Submission to the FERC

The rates herein confirmed, approved, and placed in effect on an interim basis, together with supporting documents, will be submitted to the FERC for confirmation and approval on a final basis.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm and approve on an interim basis, effective for the June 1983 billing period, Rate Schedules SP–F2, SP–FP2, SP–FT1, and SP–NFT1. These rates shall remain in effect pending the FERC confirmation and approval of them or substitute rates, on a final basis, or until they are superseded.

Issued in Washington, DC, April 25, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[Rate Schedule SP–F2 (Supersedes Schedule SP–F1)]

Schedule of Rates for Wholesale Firm Power Service

Effective:

At the beginning of the June 1983 billing period.

Available:

In the area served by the Colorado River Storage Project.

Applicable:

To wholesale power customers for general power service supplied through one meter at one point of delivery.

Character and Conditions of Service:

Alternating current, sixty (60) Hertz, three-phase, delivered and metered at the voltages and points established by contract.

Monthly Rate:

Capacity Charge: $2.09/kW of billing demand.

Energy Charge: 5.0 mills/kWh for all energy use up to, but not in excess of, the energy obligation under the power sales contract.

Billing Demand: The billing demand will be the greater of (1) the highest 30-minute integrated demand established during the month up to, but not in excess of, the delivery obligation under the power sales contract, or (2) the contract rate of delivery.

Billing for Unauthorized Overruns:

For each billing period in which there is contract violation involving an unauthorized overrun of the contractual firm power and/or energy obligations, such overrun shall be billed at ten (10) times the above rate.

Adjustments:

For transformer losses:

If delivery is made at transmission voltage but metered on the low-voltage side of the substation, the meter readings will be increased to compensate for transformer losses as provided for in the contract.

For power factor:

None. The customer will normally be required to maintain a power factor at the point of delivery of between 95-percent lagging and 95-percent leading.

[Rate Schedule SP–FP2 (Supersedes Schedule SP–FP1)]

Schedule of Rates for Wholesale Peaking Power Service

Effective:

At the beginning of the June 1983 billing period.

Available:

Within and adjacent to the marketing area of the Colorado River Storage Project.

Applicable:

To wholesale power customers purchasing such service uner long-term contract. Because of he nature of this class of service, it is applicable only to customers with other resources enabling them to utilize it.

Character and Conditions of Service:

As specifically established by contract. Delivery will be made from the transmission system of the United States at transmission voltage, and normally only during peak hours of the purchaser's load. Return of all energy furnished shall normally be required.

Monthly Rate:

Capacity Charge: $2.09/kW of the effective contract rate of delivery for peaking power or the maximum amount scheduled, whichever is the greater.

Energy Charge: 5.0 mills/kWh for all energy scheduled for delivery without return.

Billing for Unauthorized Overruns:

For each billing period in which there is a contract violation involving an unauthorized overrun of the contractual obligation for peaking capacity and/or energy, such overrun shall be billed at ten (10) times the above rate.

Adjustments:

For power factor:

None. The customer will normally be required to maintain a power factor at the point of delivery of between 95-percent lagging and 95-percent leading.

[Rate Schedule SP–FT1]

Schedule of Rates for Firm Transmission Service

Effective:

At the beginning of the June 1983 billing peiod.

Available:

In the area served by the Colorado River Storage Project transmission facilities.

Applicable:

To firm transmission service customers where power and energy are supplied to the Colorado River Storage Project system at points of interconnection with other systems and transmitted and delivered, less losses, to points of delivery on the Colorado River Storage Project system specified in the service contract.

Character and Conditions of Service:

Transmission service for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate:

Transmission Service Charge: $10.27 per kilowatt per year for each kilowatt contracted for as specified in the service contract; payable monthly at the rate of $0.8558 per kilowatt.

Adjustments:

For reactive power:

None. There shall be no entitlement ot transfer of reactive kilovolt-amperes at delivery points, except when such transfers may be mutually agreed upon by the Contractor and the contracting officer or their authorized representatives.

For losses:

Power and energy losses incurred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

[Rate Schedule SP–NFT1]

Schedule of Rates for Nonfirm Transmission Service

Effective:

At the beginning of the June 1983 billing period.

Available:

In the area served by the Colorado River Storage Project transmission facilities.

Applicable:

To nonfirm transmission service customers where power and energy are supplied to the Colorado River Storage Project system at points of interconnection with other systems and transmitted and delivered subject to the availability of transmission capacity, less losses, to points of delivery on the Colorado River Storage Project system specified in the service contract.

Character and Conditions of Service:

Transmission service on an intermittent basis for three-phase alternating current at sixty (60) Hertz, delivered and metered at the voltages and points of delivery specified in the service contract.

Rate:

Transmission Service Charge: 2.0 mills per kilowatthour for each kilowatthour scheduled; payable montly.

Adjustments:

For reactive power:

None. There shall be no entitlement to transfer of reative kilovolt-amperes at delivey points, except when such transfers may be mutually agreed upon by the Contractor and the Contracting Officer or their auhrorized representatives.

For losses:

Power and energy losses incurrred in connection with the transmission and delivery of power and energy under this rate schedule shall be supplied by the customer in accordance with the service contract.

EXHIBIT B.—STATUS OF CRSP PARTICIPATING PROJECTS WHICH WERE UNDER CONSTRUCTION OR ACTIVELY BEING PLANNED AS OF FISCAL YEAR 1981

Project	Benefits-cost ratio	Repayment contracts signed or date scheduled to be signed	Fiscal year 1982 budget request
Animas-La Plata	1.5	April 1981 [1]	$0
Bonneville Unit-CUP	1.5	Yes	70,700,000
Dallas Creek	1.5	Yes	6,976,000
Dolores	1.1	Yes	46,586,000
Jensen Unit-CUP	1.3	Yes	8,752,000
San Juan Chama	2.6	Yes	208,000
Uintah (CUP)	1.2	June 1983	500,000
Upalco (CUP)	1.1	Yes	1,246,000

[1] As of April 1983, the repayment contract is scheduled to be signed by May 1984.

EXHIBIT A.—FIRM CAPACITY OFFERED BUT UNSOLD [1]

Season	Amount offered kW	Amount offered but not purchased kW
Winter, FY 1975	72,900	0
Summer, FY 1975	50,000	12,833
Winter, FY 1976	170,000	0
Summer, FY 1976	100,000	34,400
Winter, FY 1977	195,000	53,955
Summer, FY 1977	80,000	0
Winter, FY 1978	200,000	17,550
Summer, FY 1978	90,000	0
Winter, FY 1979	150,000	0
Summer, FY 1979	122,019	36,069
Winter, FY 1980	200,000	18,115
Summer, FY 1980	0	0

EXHIBIT A.—FIRM CAPACITY OFFERED BUT UNSOLD [1]—Continued

Season	Amount offered kW	Amount offered but not purchased kW
Winter, FY 1981	0	0
Summer, FY 1981	100,000	0
Winter, FY 1982	144,000	67,990
Summer, FY 1982	120,000	38,550
Total		279,462

[1] All numbers have been "seasonal-averaged"; i.e., the total KW-months each season were added and then divided by the number of months in the season (6).

[FR Doc. 83-11569 Filed 5-2-83; 8:45 am]

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Tuesday
May 3, 1983

Part III

Department of Energy

Office of Conservation and Renewable Energy

Federal Loan Guaranties for Geothermal Energy Utilization; Final Rule

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 790

[Docket No. CE-RM-82-701]

Federal Loan Guaranties for Geothermal Energy Utilization

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) today issues final program rules which revise the Geothermal Loan Guaranty Program in accordance with amendments to Title II of the Geothermal Research, Development, and Demonstration Act of 1974, Pub. L. 93–410, which are set forth in Title VI of the Energy Security Act, Pub. L. 96–294.

EFFECTIVE DATE: June 2, 1983.

FOR FURTHER INFORMATION CONTACT:

As to geothermal loan guaranty matters: Pauline Labrie, Office of Conservation and Renewable Energy, Geothermal and Hydropower Division, 1000 Independence Avenue, S.W., Room 5G–030, Washington, D.C. 20585, (202) 252–5343.

As to legal matters: Diane Stubbs, Office of General Counsel, GC–44, 1000 Independence Avenue, S.W., Room 6B–158, Washington, D.C. 20585, (202) 252–2440.

SUPPLEMENTARY INFORMATION:

I. Background
II. Public Comments
III. Review Under Executive Order 12291
IV. Review Under Regulatory Flexibility Act
V. Review Under National Environmental Policy Act
VI. List of Subjects in 10 CFR Part 790

I. Background

The rules being issued today were published in a notice of proposed rule making which appeared in the January 12, 1982 **Federal Register** (47 FR 1302). During the public comment period, the DOE received one written comment. A public hearing was not held because no substantial issue of fact or law exists with respect to these rules and such rules are unlikely to have a substantial impact on the Nation's economy or large numbers of individuals or businesses.

The rules DOE adopts today provide generally that: (1) The loan guaranty ceiling be increased to 90 percent of project costs for municipalities and cooperatives; (2) the program be extended to the end of FY 1990; [1] (3) final decisions on loan guaranty applications be reached within four months of the date of filing; (4) project costs exclude the cost of constructing electric transmission lines to the extent that such costs exceed 25 percent of the estimated total aggregate cost of the project; and (5) duplication of actions taken pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969 be minimized. These amendments are being issued in order to comply with section 644 of the Energy Security Act (Pub. L. 96–294).

II. Public Comments

In response to the notice of proposed rulemaking, DOE received one written comment from Pacific Power and Light Company (PPLC).

PPLC expressed support for and urged adoption of the proposed amendments, primarily because the commenter believes that the geothermal potential of the western United States has not been fully utilized and that the amendments constitute an extension of a program which has been instrumental in aiding in the identification and development of this potential without direct Federal funding.

III. Review Under Executive Order 12291

Today's rules were reviewed under Executive Order 12291 (February 17, 1981). DOE has concluded that they are not "major rules" because, if implemented, they will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

IV. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 *et seq.*) requires that a final regulatory flexibility analysis be prepared with respect to final rules unless the agency certifies that the rules will not, if promulgated, have a significant economic impact on a substantial number of small entities. DOE believes that these rules, if implemented, would not have the requisite economic impact on small entities to necessitate a final regulatory flexibility analysis.

V. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of these regulations does not require preparation of an environmental assessment or of an environmental impact statement under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.* (1970)), the Council on Environmental Quality regulations (40 CFR Parts 1500–1508), and the DOE guidelines (45 FR 20694, March 28, 1980). Issuance of these rules is not a major Federal action significantly affecting the quality of the human environment within the meaning of NEPA. In the event that loans are guaranteed under the Geothermal Loan Guaranty Program, DOE would complete any appropriate NEPA site specific documentation that may be required.

VI. List of Subjects in 10 CFR Part 790

Geothermal energy, Loan programs.

(Title II of the Geothermal Energy Research, Development, and Demonstration Act of 1974, Pub. L. 93–410, 88 Stat. 1088 (30 U.S.C. 1141 *et seq.*), as amended; Title VI of the Energy Security Act, Pub. L. 96–294, 94 Stat. 763 (30 U.S.C. 1501 *et seq.*); Department of Energy Organization Act, Pub. L. 96–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*))

In consideration of the foregoing, 10 CFR Part 790 is amended as shown below.

Issued in Washington, D.C., April 27, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

PART 790—THE GEOTHERMAL LOAN GUARANTY PROGRAM

For the reasons set out in the preamble, Part 790 of Chapter III, Title 10 of the Code of Federal Regulation is amended as shown.

1. In § 790.6, paragraph (e) is revised to read as follows:

§ 790.6 Loan guaranty criteria.

* * * * *

(e) The maximum guaranty shall apply only to that amount of a loan that does not exceed 75 percent of the estimated aggregate cost of the project. However, any guaranty made for a loan to an electric, housing, or other cooperative, or to a municipality (as defined in section 3(7), Part I, of the Federal Power Act), may apply to that amount of the loan that does not exceed 90 percent of the estimated aggregate cost of the project.

[1] This extension of program authority is mandated by statute and does not affect DOE's decision, reflected in a notice published on March 1, 1982 (47 FR 8553), to accept no further applications for new projects at this time.

§ 790.9 [Amended]

2. Section 790.9 is amended by removing the words "September 3, 1984" wherever they appear and inserting, in their place, the words "September 30, 1990."

3. In § 790.20, paragraph (b)(1) is revised to read as follows:

§ 790.20 Filing.

* * * * *

(b)(1) Prior to receipt of an application, the Manager is authorized to conduct preliminary discussions with prospective lenders, borrowers or other interested parties wishing to obtain information or advice regarding eligibility for a loan guaranty and compliance with this regulation, and whether a lender should be obtained by the borrower prior to the submission of an application. To the maximum extent practical, and applicant should be advised (prior to the submission of an application) of all information which will be required by the Manager in processing the application. The date of filing shall be the date, as determined by the Manager, when all such required information has been submitted by the applicant. A final decision on the application shall be made by the Secretary within no more than four months of the date of filing established by the Manager.

4. Section 790.22 is amended by adding paragraphs (g) and (h) to read as follows:

§ 790.22 Project costs.

* * * * *

(g) The estimated total aggregate cost of a project shall exclude the estimated cost of constructing electric transmission lines to the extent that such construction cost exceeds 25 percent of the estimated total aggregate cost of the project. In determining this 25 percent limitation, the amount used in the denominator shall be the estimated total aggregate cost of the project including the estimated total cost of constructing the electric transmission line.

(h) The Secretary may waive or limit the 25 percent limitation imposed by paragraph (g) above for projects located in the State of Hawaii upon finding that the project is remote from the area of primary consumption, that a transmission line is required before the geothermal reservoir can be developed, and that the transmission line will be used for more than the plant which is the subject of the loan guaranty.

5. In § 790.23, paragraph (a) is revised to read as follows:

§ 790.23 Environmental considerations.

(a) The issuance of a Federal guaranty for a loan under these regulations is subject to the provisions of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C 4321 *et seq.* Pub. L. 91–190) and applicable regulations, rules and guidelines implementing NEPA. The Secretary shall ensure, to the maximum extent possible, that any action undertaken pursuant to section 102(2)(C) of NEPA which is associated with the granting of a loan guaranty under this regulation takes maximum cognizance allowable under law of any other action previously undertaken pursuant to NEPA section 102(2)(C) with respect to the project which is the subject of such loan guaranty. No action associated with the loan guaranty shall duplicate any action previously undertaken under NEPA section 102(2)(C) in connection with the project, so long as all requirements which are applicable to the project under NEPA section 102(2)(C) have been or will be satisfied.

* * * * *

[FR Doc. 83–11702 Filed 5–2–83; 8:45 am]
BILLING CODE 6450–01–M

federal register

Tuesday
May 3, 1983

Part IV

Department of the Interior

Bureau of Land Management

National Conservation and Recreation Areas in Alaska; Description of Boundaries

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

National Conservation and Recreation Areas in Alaska; Description of Boundaries

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Legal Descriptions of the Steese National Conservation Area and the White Mountains National Recreation Area Boundaries.

SUMMARY: This notice sets out the legal descriptions of the exterior boundaries of the Steese National Conservation Area and the White Mountains National Recreation Area established in Alaska under Sections 401 and 403 of the Alaska National Interest Lands Conservation Act (ANILA). Limited descriptions are included for Wild and Scenic Rivers established under Section 603 and rivers designated for study under Section 604. Publication of these legal descriptions is required by Section 103 of the ANILCA. Generalized location maps are included also.

EFFECTIVE DATE: Pursuant to Section 103(b) of ANILCA these boundaries were effective as of December 2, 1980.

FOR FURTHER INFORMATION CONTACT: Beaumont C. McClure, Bureau of Land Management, 18th and C Streets, N.W., Washington, D.C. 20240 (phone: (202) 343-6511) or Jules V. Tileston, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513 (phone: (907) 271-5069).

SUPPLEMENTARY INFORMATION: Under Subsection 103(b) of the Alaska National Interest Lands Conservation Act (ANILCA, Pub. L. 96-487 (94 Stat. 2371)), the Secretary of the Interior is directed to publish legal descriptions and boundary maps for land status changes effected by the ANILCA. The official legal descriptions for the Steese National Conservation Area and the White Mountains National Recreation Area are included in this notice. While generalized location maps for these areas also are included in this notices, the 1:250,000 scale maps developed for public use under Subsection 103(b) are incorporated by this notice and are available for inspection at the Office of the Federal Register Information Center (Room 8301, 1100 "L" Street, N.W., Washington, D.C. 20408), U.S. Geological Survey map reference libraries in Alaska, and at the Bureau of Land Management Offices in Washington, D.C. and Anchorage, Alaska. The maps are also available for sale from the U.S. Geological Survey. Limited descriptions of Wild and Scenic Rivers under the Bureau of Land Management's (BLM) jurisdiction are also included, although they are not depicted on the 1:250,000 scale maps at this time.

The ANILCA established one National conservation area and one National recreation area.

Use of National Conservation and National Recreation Areas

The legal descriptions that follow are those of the external boundaries of the above listed units. State, Native, and other private landholdings within these boundaries cannot be accurately described at this time and thus have not been identified on the available maps. Inclusion of these nonpublic lands within the described boundaries should not be interpreted as authorizing public use of such lands. Uses of the public lands within the described boundaries are controlled by the provisions of the ANILCA, the Federal Land Policy and Management Act of 1976, other appropriate laws, and regulations governing land administered by the BLM. Persons desiring information on land status or use of land within the described areas may contact the Alaska State Director, BLM, 701 C Street, Box 13, Anchorage, Alaska 99513.

Note.—The term "public lands" as used throughout this notice is defined by the ANILCA as those lands, waters, and interests therein, the title to which is in the United States after December 2, 1980, except:

A. Land selections of the State of Alaska which have been tentatively approved or validly selected under the Alaska Statehood Act and lands which have been confirmed to, validly selected by, or granted to the Territory of Alaska or the State under any other provision of Federal law;

B. Land selections of a Native corporation made under the Alaska Native Claims Settlement Act which have not been conveyed to a Native corporation, unless any such selection is determined to be invalid or is relinquished; and

C. Lands referred to in Subsection 19(b) of the Alaska Native Claims Settlement Act.

Those lands selected by the State or a Native corporation within the exterior boundaries of a National conservation area or a National recreation area are to be administered by the Bureau of Land Management under applicable laws until conveyed.

Those lands validly selected by, but not ultimately conveyed to, the State or a Native corporation within the exterior boundaries of a National conservation area or a National recreation are become a part of that conservation or recreation area.

National Wild and Scenic Rivers

The ANILCA designated the following National wild rivers in Alaska: Alagnak, Beaver Creek, Birch Creek, Delta (a portion), Fortymile (a portion), Gulkana, and Unalakleet.

A portion of the Delta and Fortymile Rivers has been classified as a scenic river. Another portion of the Fortymile River has been classified as a recreation river.

The following rivers are designated for a 3-year study for possible addition to the National Wild and Scenic Rivers System: Colville, Etivluk-Nigu Utukok, Melozitna, Yukon (Ramparts section), Squirrel, and Koyuk.

The ANILCA descriptions of National wild and scenic rivers are included in this notice but they are not depicted on the 1:250,000 scale maps at this time. These limited descriptions can be found following the description of the Steese National Conservation and the White Mountains National Recreation Areas.

Corridors for rivers designated for study include the public lands within the bed or bank of the river and the area extending 2 miles outward from each bank of the river channel. These corridors will be in effect for varying periods in accordance with Subsection 7(b) of the Wild and Scenic Rivers Act. Beginning and ending points of these study rivers have been included in this notice. At such time as management corridors are finalized for the designated Wild and Scenic Rivers, they will be described on the 1:250,000 scale maps. Use of these river areas is governed by the Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), as amended by the ANILCA.

Availability of maps: The maps of the Steese National Conservation Area and the White Mountains National Recreation Area included in this notice are generalized depictions of the lands described. Maps at this scale cannot accurately depict the actual boundaries and should be used only as general location references. Persons desiring more detailed information on the National conservation and recreation area boundaries are directed to the maps at the scale of 1:250,000 which are available for review at U.S. Geological Survey map reference libraries in Alaska and at the following locations:

Department of the Interior Library, Room 1140, 18th and C Streets, N.W., Washington, D.C. 20240

Bureau of Land Management, 701 C Street, Anchorage, Alaska 99513

Additionally, the 1:250,000 scale maps are available for sale by the U.S. Geological Survey at the following locations:

U.S. Geological Survey, Alaska, Distribution Section, 101 12th Avenue, Fairbanks, Alaska 99701

U.S. Geological Survey, Public Inquiries Office, 503 National Center, Reston, Virginia 22092

U.S. Geological Survey, Western Distribution Branch, Box 25286—Mail Stop 306, Denver, Colorado 80226

Note.—The legal description in this notice were written from maps at the 1:63,300 scale, where available, and reflect greater detail and accuracy then that depicted on the 1:250,000 scale maps prepared for public use.

The large number of maps necessary to depict the conservation and recreation areas in Alaska at the 1:63,300 scale precludes their reproduction for public use. However, as the U.S. Geological Survey revises individual maps at this scale, the new boundary lines will be depicted. These revised maps will eventually be available through normal USGS sales outlets.

Dated: April 26, 1983.

Robert F. Burford,

BILLING CODE 4310-84-M

STEESE NATIONAL CONSERVATION AREA

Subsection 401(b):

"The Steese National Conservation Area shall include approximately one million two hundred twenty thousand acres of public lands, as generally depicted on the map entitled 'Steese National Conservation Area - Proposed' and dated October 1978."

The Steese National Conservation Area consists of the public lands, as defined by the ANILCA within the following boundary:

NORTH UNIT

Beginning at a point between sections 1 and 12, T. 10 N., R. 6 E., Fairbanks Meridian; Thence easterly, between sections 1 and 12, approximately 3,000 feet to the corner of sections 1, 6, 7, and 12, T. 10 N., Rs. 6 and 7 E., Fairbanks Meridian; Thence northerly, between Rs. 6 and 7 E., approximately 1,800 feet to a point on the summit of a ridge between sections 1 and 6, T. 10 N., Rs. 6 and 7 E., Fairbanks Meridian; Thence northeasterly, easterly and southeasterly, along the divide between Beaver Creek, Discovery Creek, North Fork Preacher Creek, and Preacher Creek, approximately 26 miles to the summit of a mountain in the southeasterly portion of section 4, T. 11 N., R. 10 E., Fairbanks Meridian, approximate elevation 3,338 feet; Thence northeasterly and southeasterly, along a ravine and the centerline of an unnamed creek, approximately 4-1/2 miles to the centerline of Preacher Creek in the northwesterly portion of section 18, T. 11 N., R. 11 E., Fairbanks Meridian; Thence northeasterly, along the centerline of Preacher Creek, approximately 10-1/2 miles to the centerline of Rock Creek, located in section 35, T. 12 N., R. 11 E., Fairbanks Meridian; Thence southerly, along the centerline of Rock Creek, approximately 4 miles to a point between sections 14 and 23, T. 11 N., R. 11 E., Fairbanks Meridian; Thence easterly, between sections 14 and 23, 13 and 24, approximately 1-3/4 miles to the corner of sections 13, 18, 19 and 24, T. 11 N., Rs. 11 and 12 E., Fairbanks Meridian; Thence southerly, between Rs. 11 and 12 E., approximately 1/2 mile to the 1/4 section corner of sections 19 and 24, T. 11 N., Rs. 11 and 12 E. Fairbanks Meridian; Thence easterly, along the east and west centerlines of section 19, 20 and 21, approximately 3 miles to the 1/4 section corner of sections 21 and 22, T. 11 N., R. 12 E., Fairbanks Meridian; Thence southerly, between sections 21 and 22, approximately 1/2 mile to the corner of sections 21, 22, 27 and 28, T. 11 N., R. 12 E., Fairbanks Meridian; Thence easterly, between sections 22 and 27, approximately 1/2 mile to the 1/4 section corner of sections 22 and 27, T. 11 N., R. 12 E., Fairbanks Meridian; Thence southerly, along the north and south centerline of section 27, approximately 1/2 mile to the center 1/4 section corner of section 27, T. 11 N., R. 12 E., Fairbanks Meridian; Thence easterly, along the east and west centerlines of sections 27, 26, 25, 30 and 29, approximately 4-1/2 miles to the 1/4 section corner of sections 28 and 29, T. 11 N., R. 13 E., Fairbanks Meridian; Thence southerly between sections 28 and 29, 32 and 33, approximately 1 mile to the 1/4 section corner of sections 32 and 33, T. 11 N., R. 13 E., Fairbanks Meridian; Thence westerly, along the east and west centerline of section 32, approximately 1 mile to the 1/4 section corner of sections 31 and 32, T. 11 N., R. 13 E., Fairbanks Meridian; Thence southerly, between sections 31 and 32, T. 11 N., R. 13 E., 5 and 6, 7 and 8, 17 and 18, 19 and 20, T. 10 N., R. 13 E., approximately 4-1/2 miles to the corner of sections 19, 20, 29 and 30, T. 10 N., R. 13 E., Fairbanks Meridian; Thence westerly, between sections 19 and 30, approximately 1 mile to the corner of sections 19, 24, 25 and 30, T. 10 N.,

Rs. 12 and 13 E., and T. 9 N., Rs. 12 and 13 E., Fairbanks Meridian; Thence southerly, between T. 10 N., Rs. 12 and 13 E., approximately 8 miles to the standard corner of T. 9 N., Rs. 12 and 13 E., Fairbanks Meridian; Thence westerly, along the Second Standard Parallel North, approximately 2 miles to the standard corner of sections 34 and 35, T. 9 N., R. 12 E., Fairbanks Meridian; Thence northerly, between sections 34 and 35, approximately 3/4 mile to the summit of a ridge, between sections 34 and 35, T. 9 N., R. 12 E., Fairbanks Meridian; Thence westerly, southwesterly, northwesterly, southwesterly, northeasterly, northwesterly and northeasterly, along the divide between the drainages of Preacher Creek, Porcupine Creek, Birch Creek, Faith Creek, Champion Creek, Bear Creek and Beaver Creek, approximately 80 miles to a point between sections 1 and 12, T. 10 N., R. 6 E., Fairbanks Meridian, the place of beginning.

SOUTH UNIT

Beginning at the corner of Tps. 5 and 6 N., Rs. 17 and 18 E., Fairbanks Meridian; Thence northerly between Rs. 17 and 18 E., approximately 6 miles to the corner of Tps. 6 and 7 N., Rs. 17 and 18 E., Fairbanks Meridian; Thence westerly, between Tps. 6 and 7 N., approximately 48 miles to the corner of Tps. 6 and 7 N., Rs. 9 and 10 E., Fairbanks Meridian; Thence southerly, between Rs. 9 and 10 E., approximately 6 miles to the corner of Tps. 5 and 6 N., Rs. 9 and 10 E., Fairbanks Meridian; Thence westerly, between Tps. 5 and 6 N., approximately 6 miles to the corner of Tps. 5 and 6 N., Rs. 8 and 9 E., Fairbanks Meridian; Thence southerly, between Rs. 8 and 9 E., approximately 6 miles to the standard corner of T. 5 N., Rs. 8 and 9 E., Fairbanks Meridian; Thence easterly, along the First Standard Parallel North, approximately 11-1/4 miles to the closing corner of T. 4 N., Rs. 10 and 11 E., Fairbanks Meridian; Thence southerly, between Rs. 10 and 11 E., approximately 11-3/4 miles to the top of a ridge located between sections 31 and 36, T. 3 N., Rs. 10 and 11 E., Fairbanks Meridian, approximate elevation 2,900 feet; Thence easterly, northeasterly, southeasterly and northwesterly, along the crest of a ridge encompassing the southerly watershed of Birch Creek, approximately 86 miles to the point between sections 1 and 6, T. 5 N., Rs. 17 and 18 E., Fairbanks Meridian, approximate elevation 3,400 feet; Thence northerly, between Rs. 17 and 18 E., approximately 1/2 mile to the corner of Tps. 5 and 6 N., Rs. 17 and 18 E., Fairbanks Meridian, the place of beginning.

The above description was determined from the following U.S. Geological Survey 1:63,360 scale topographic maps:

Circle (A-1), Alaska, 1955. Minor Revisions 1966.

Circle (A-2), Alaska, 1955. Minor Revisions 1962.

Circle (A-3), Alaska, 1955. Minor Revisions 1973.

Circle (A-4), Alaska, 1952. Minor Revisions 1964.

Charley River (A-6), Alaska, 1956. Minor Revisions 1972.

Circle (B-1), Alaska, 1955. Minor Revisions 1968.

Circle (B-2), Alaska, 1955. Minor Revisions 1971.

Circle (B-3), Alaska, 1955. Minor Revisions 1974.

Circle (B-4), Alaska, 1952. Minor Revisions 1964 and 1976.

Circle (B-5), Alaska, 1954. Minor Revisions 1972.

Circle (C-3), Alaska, 1955. Minor Revisions 1963.

Circle (C-4), Alaska, 1952. Minor Revisions 1967.

Circle (C-5), Alaska, 1954.

Circle (C-6), Alaska, 1951. Minor Revisions 1971.

Circle (D-3), Alaska, 1952. Minor Revisions 1964.

Circle (D-4), Alaska, 1952. Minor Revisions 1963.

Circle (D-5), Alaska, 1952. Minor Revisions 1971.

WHITE MOUNTAINS NATIONAL RECREATION AREA

Section 403:

"There is hereby established the White Mountains National Recreation Area containing approximately one million acres of public land, as generally depicted on the map entitled 'White Mountains National Recreation Area-Proposed,' and dated October 1978."

The White Mountains National Recreation Area consists of public lands, as defined by the ANILCA, within the following boundary:

Beginning at the corner of sections 25, 26, 35 and 36, T. 12 N., R. 1 W., Fairbanks Meridian; Thence easterly, between sections 25 and 36, approximately 1 mile to the corner of sections 25, 30, 31 and 36, T. 12 N., Rs. 1 E. and 1 W., Fairbanks Meridian; Thence northerly, between T. 12 N., Rs. 1 E. and 1 W., approximately 3,000 feet to a point on the summit of a ridge between sections 25 and 30, T. 12 N., Rs. 1 E. and 1 W., Fairbanks Meridian; Thence northeasterly and easterly, along the divide between the Yukon River and Victoria Creek drainages approximately 31 miles to the summit of a mountain located in the easterly portion of section 7, T. 12 N., R. 5 E., Fairbanks Meridian, approximate elevation 2,905 feet; Thence on an approximate forward bearing of N. 72° E., approximately 1/2 mile to the headwaters of Glacier Creek located near the center of section 8, T. 12 N., R. 5 E., Fairbanks Meridian; Thence southeasterly, along the centerline of Glacier Creek approximately 6-1/2 miles to a point on the right bank of Victoria Creek at the line of mean high water located in the northwesterly portion of section 2, T. 11 N., R. 5 E., Fairbanks Meridian; Thence southeasterly, along the right bank of Victoria Creek, approximately 1/2 mile to a point on the right bank of Beaver Creek at the line of mean high water located in the southerly portion of section 2, T. 11 N., R. 5 E., Fairbanks Meridian; Thence northeasterly, along the right bank of Beaver Creek approximately 3 miles to the centerline of Moose Creek located in section 31, T. 12 N., R. 6 E., Fairbanks Meridian; Thence southeasterly, along the centerline of Moose Creek, approximately 9 miles to a point between sections 2 and 11, T. 10 N., R. 6 E., Fairbanks Meridian; Thence easterly, between sections 2 and 11, 1 and 12, approximately 1/2 mile to the summit of a ridge between sections 1 and 12, T. 10 N., R. 6 E., Fairbanks Meridian; Thence southwesterly, southeasterly, southerly, westerly, and southwesterly along the ridge line between the Preacher Creek, Chatanika River and Beaver Creek drainages, approximately 79 miles to a point between sections 4 and 33, Tps. 4 and 5 N., R. 1 E., Fairbanks Meridian; Thence westerly, along the First Standard Parallel North, approximately 14-1/2 miles to the summit of a ridge on the south boundary of section 36, T. 5 N., R. 3 W., Fairbanks Meridian; Thence northerly, along the ridge line, between the Tolovana River and Wickersham Creek, Colorado Creek drainages, approximately 35 miles to a point between sections 16 and 17, T. 9 N., R. 1 W., Fairbanks Meridian; Thence northerly, between sections 16 and 17, 8 and 9, 4 and 5, T. 9 N., R. 1 W., and sections 32 and 33, 28 and 29, 20 and 21, 16 and 17, 8 and 9, approximately 7-1/2 miles to the 1/4 section corner of sections 8 and 9, T. 10 N., R. 1 W., Fairbanks Meridian; Thence easterly, on the east and west centerline of section 9, approximately 1 mile to the 1/4 section corner of sections 9 and 10, T. 10 N., R. 1 W., Fairbanks Meridian; Thence northerly, between sections 9 and 10, 3 and 4, approximately 1-1/2 miles to the corner of sections 3, 4, 33 and 34, Tps. 10 and 11 N., R. 1 W., Fairbanks Meridian; Thence easterly, between Tps. 10 and

11 N., approximately 1-1/2 miles to the 1/4 section corner of sections 2 and 35, Tps. 10 and 11 N., R. 9 W., Fairbanks Meridian; Thence northerly, on the northand south centerlines of sections 35 and 26, approximately 2 miles to the 1/4 section corner of sections 23 and 26, T. 11 N., R. 1 W., Fairbanks Meridiam; Thence easterly between sections 23 and 26, approximately 1/2 mile to the corner of sections 23, 24, 25 and 26, T. 11 N., R. 1 W., Fairbanks Meridian; Thence northerly between sections 23 and 24, 13 and 14, 11 and 12, 1 and 2, T. 11 N., R. 1 W., sections 35 and 36, approximately 5 miles to the corner of sections 25, 26, 35 and 36, T. 12 N., R. 1 W., Fairbanks Meridian, the place of beginning.

The above description was determined from the following U.S. Geological Survey 1:63,360 scale topographic maps:

Livengood (A-1), Alaska, 1952. Minor Revisions 1972.

Livengood (A-2), Alaska, 1952. Photorevised 1975.

Livengood (A-3), Alaska, 1953

Livengood (B-1), Alaska, 1954.

Livengood (B-2), Alaska, 1954.

Livengood (B-3), Alaska, 1954.

Circle (B-5), Alaska, 1954. Minor Revisions 1963.

Circle (B-6), Alaska, 1954. Minor Revisions 1963 and 1975

Circle (C-5), Alaska 1954.

Livengood (C-2), Alaska, 1951. Minor Revisions 1969.

Circle (C-6), Alaska, 1951. Minor Revisions 1971.

Livengood (D-1), Alaska, 1952. Minor Revisions 1967.

Livengood (D-2), Alaska, 1952. Minor Revisions 1965.

Circle (D-6), Alaska, 1951. Minor Revisions 1963.

BILLING CODE 4310-84-C

Units of the National Wild and Scenic Rivers System

Section 603

"Alagnak, Alaska.—Those segments or portions of the main stem and Nonvianuk tributary lying outside and westward of the Katmai National Park/Preserve and running to the west boundary of Township 13 South, Range 43 West."

"Beaver Creek, Alaska.—The segment of the main stem from the vicinity of the confluence of the Bear and Champion Creeks downstream to its exit from the northeast corner of Township 12 North, Range 6 East, Fairbanks Meridian, within the White Mountains National Recreation Area, and the Yukon Flats National Wildlife Refuge."

"Birch Creek, Alaska.—The segment of the main stem from the south side of Steese Highway in Township 7 North, Range 10 East, Fairbanks Meridian, downstream to the south side of the Steese Highway in Township 10 North, Range 16 East."

"Delta, Alaska.—The segment from and including all of the Tangle Lakes to a point one-half mile north of Black Rapids."

"Fortymile, Alaska.—The main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek; Franklin Creek; Uhler Creek; Walker Fork downstream from the confluence of Liberty Creek; Wade Creek; Mosquito Fork downstream from the vicinity of Kechumstuk; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of the West Fork Dennison Fork; Logging Cabin Creek; North Fork; Hutchinson Creek; Champion Creek; the Middle Fork downstream from the confluence of Joseph Creek; and Joseph Creek."

"Gulkana, Alaska.—The main stem from the outlet of Paxson Lake in Township 12 North, Range 2 West, Copper River Meridian, to the confluence with Sourdough Creek; the south branch of the west fork from the outlet of an unnamed lake in sections 10 and 15, Township 10 North, Range 7 West, Copper River Meridian, to the confluence with the west fork; the north branch from the outlet of two unnamed lakes, one in sections 24 and 25, the second in sections 9 and 10, Township 11 North, Range 8 West, Copper River Meridian, to the confluence with the west fork; the west fork from its confluence with the north and south branches downstream to its confluence with the main stem; the middle fork from the outlet of Dickey Lake in Township 13 North, Range 5 West, Copper River Meridian, to the confluence with the main stem."

"Unalakleet, Alaska.—The segment of the main stem from the headwaters in township 13 south, range 3 west, Kateel River meridian extending downstream approximately 65 miles to the western boundary of township 18 south, range 8 west."

Wild Rivers: Subsection 605(b)

"The Alagnak, Beaver Creek, Birch Creek, Gulkana, and Unalakleet components as well as the segment of the Delta component from the lower lakes area to a point opposite milepost 212 on the Richardson Highway; the Mosquito Fork downstream from the vicinity of Kechemstuk to Ingle Creek, North Fork, Champion Creek, Middle Fork downstream from the confluence of Joseph Creek and Joseph Creek segments of the Fortymile component are hereby classified and designated and shall be administered as wild river areas pursuant to the Wild and Scenic Rivers Act. The classification as wild river areas of certain segments of the Fortymile by this subsection shall not preclude such access across those river segements as the Secretary determines to be necessary to permit commercial development in an environmentally sound manner, of asbestos deposits in the North Fork drainage."

Scenic Rivers: Subsection 605(c)

"The following segments of the Fortymile River component are hereby classified and shall be administered as scenic river areas pursuant to such Act: the main stem within the State of Alaska; O'Brien Creek; South Fork; Napoleon Creek; Franklin Creek; Uhler Creek; Walker Fork downstream from the confluence of Liberty Creek; West Fork Dennison Fork downstream from the confluence of Logging Cabin Creek; Dennison Fork downstream from the confluence of West Fork Dennison Fork; Logging Cabin Creek; and Hutchinson Creek."

Recreation Rivers: Subsection 605(c)

"The Wade Creek unit of the Fortymile component and the segment of the Delta River from opposite Milepost 212 on the Richardson Highway to a point one-half mile north of Black Rapids are classified and shall be administered as recreational river areas pursuant to such Act."

Note.—The boundaries of designated wild and scenic river corridors are to be identified and described by December 2, 1983.

Designated Study Rivers

The corridors withdrawn during the course of the study and consideration by Congress consist of those public lands which constitute the bed or bank or are within an area extending two miles from the bank of the river channel on both sides of the following rivers:

Subsection 604(a)

Colville, Alaska:—From the confluence of Storm and Thunder Creeks in T. 7 S., R. 35 W., Umiat Meridian to its outlet into the Arctic Ocean in T. 13 N., R. 6 E., Umiat Meridian.

Etivluk-Nigu, Alaska:—The Etivluk from its headwaters in T. 33 N., R. 9 E., Kateel River Meridian, to its confluence with the Colville River in T. 6 S., R. 17 W., Umiat Meridian; the Nigu from where it crosses the boundary of Gates of the Arctic National Park in T. 30 N., R. 14 E., Kateel River Meridian, to its confluence with the Etivluk River in T. 10 S., R. 19 W., Umiat Meridian.

Utukok, Alaska:—From the confluence of Tupik and Kogruk Creeks in T. 10 S., R. 39 W., Umiat Meridian to its outlet into Kasegaluk Lagoon in T. 8 N., R. 42 W., Umiat Meridian.

Melozitna, Alaska:—From its headwaters in T. 14 N., R. 25 W., Faribanks Meridian to its confluence with the Yukon River in T. 8 S., R. 17 E., Kateel River Meridian.

Yukon, Alaska:—From the east boundary of T. 12 N., R. 11 W., Fairbanks Meridian, to the west boundary of T. 4 N., R. 19 W., Fairbanks Meridian.

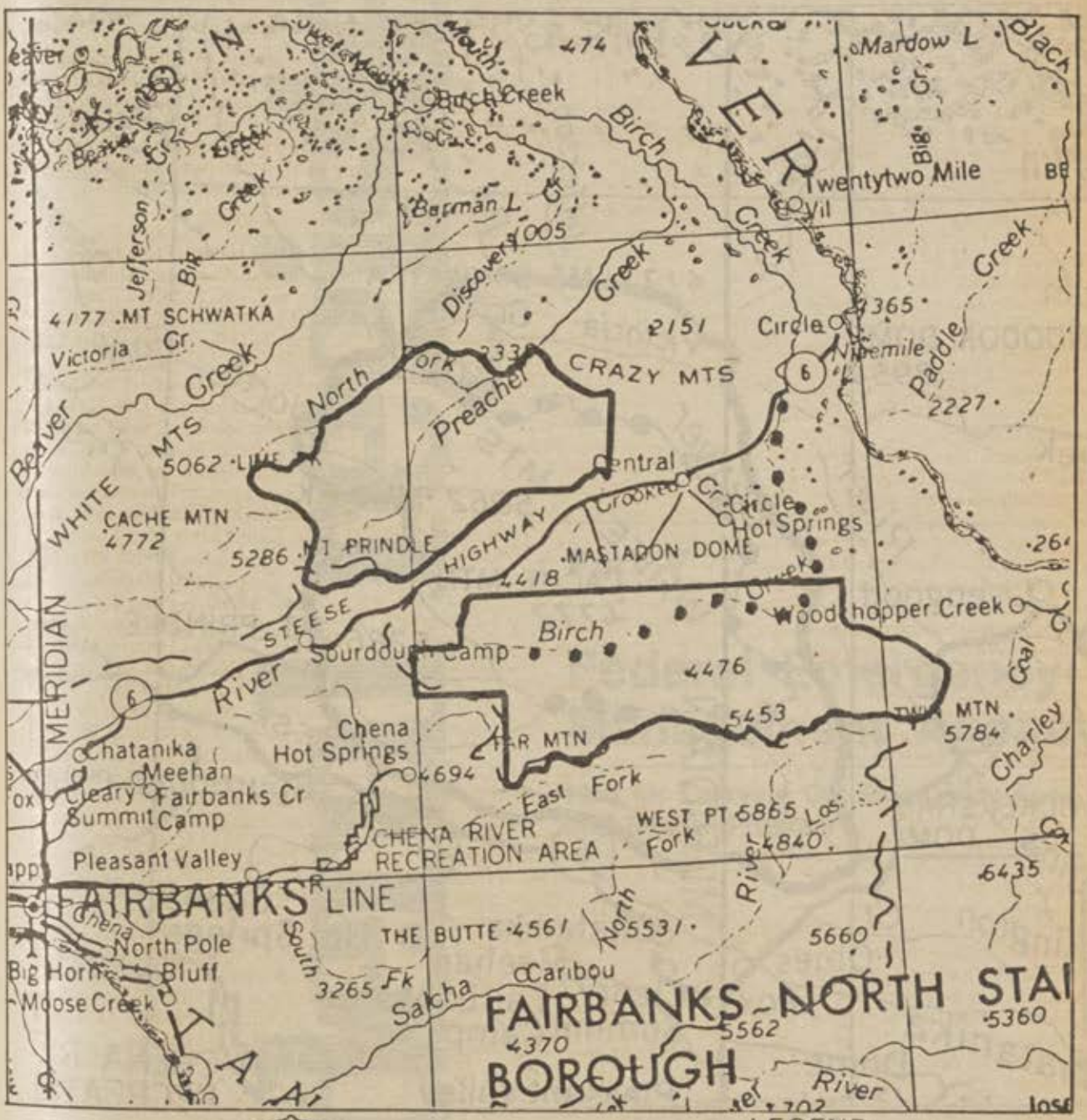
Squirrel, Alaska:—From its headwaters at the north boundary of sections 22 and 23, T. 23 N., R. 14 W., Kateel River Meridian, to its confluence with the Kobuk River in T. 18 N., R. 8 W., Kateel River Meridian.

Koyuk, Alaska:—From where it crosses the east boundary of Bering Land Bridge National Preserve in T. 1 S., R. 20 W., Kateel River Meridian, to its outlet into Norton Bay in T. 6 S., R. 12 W., Kateel River Meridian.

BILLING CODE 4310-84-M

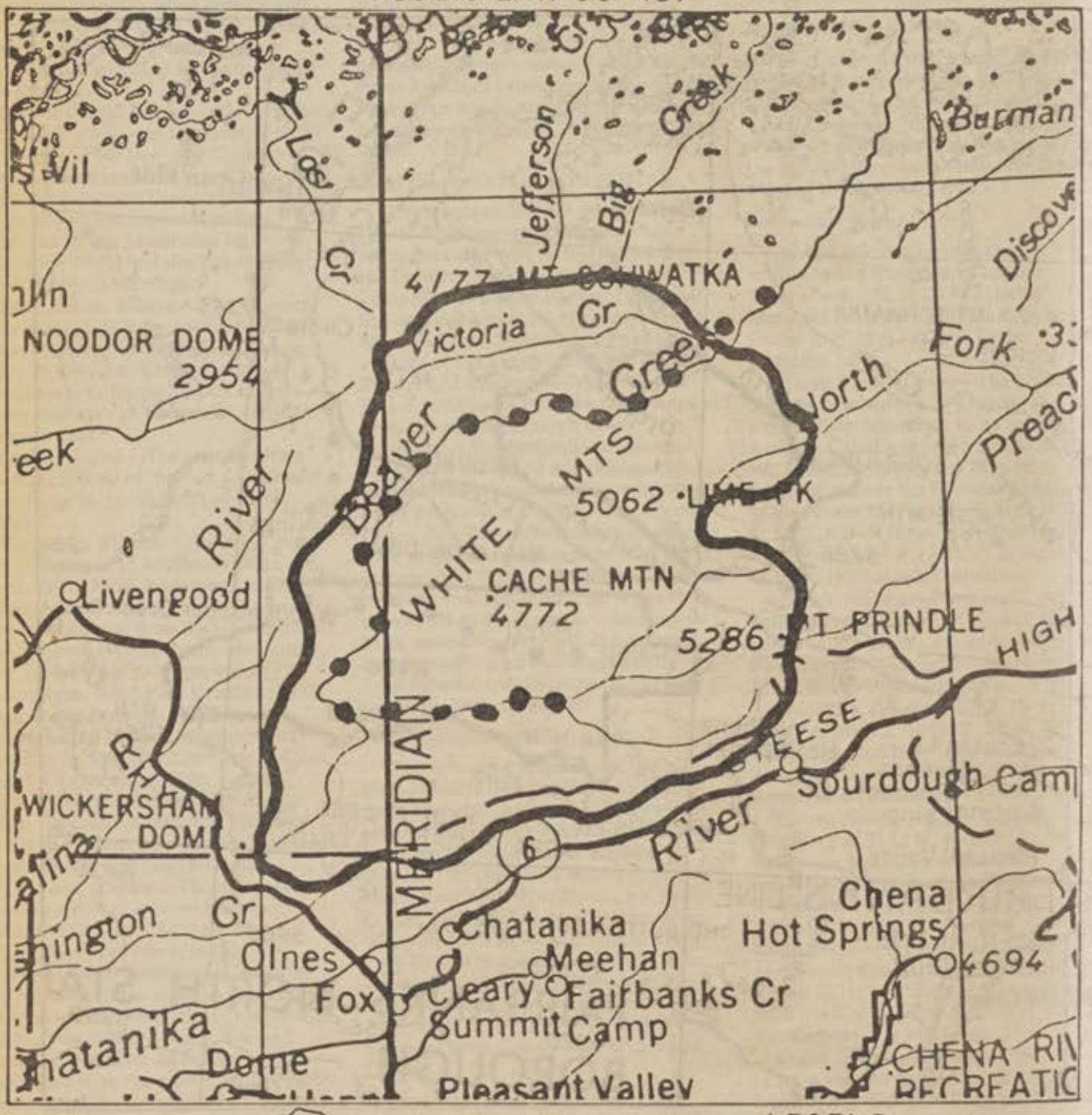
STEESE NATIONAL CONSERVATION AREAS

PUBLIC LAW 96-487



WHITE MOUNTAINS NATIONAL RECREATION AREA

PUBLIC LAW 96-487



[FR Doc. 83-11743 Filed 5-2-83; 8:45 am]

BILLING CODE 4310-84-C

federal register

Tuesday
May 3, 1983

Part V

Federal Emergency Management Agency

Plan for Carrying Out Emergency Food and Shelter Program

FEDERAL EMERGENCY MANAGEMENT AGENCY

Plan for Carrying Out Emergency Food and Shelter Program

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice sets out the text of a plan by which the National Board, created by Pub. L. 98–8, will conduct a program for distributing $50,000,000 to local private voluntary organizations for the purpose of delivering emergency food and shelter to needy individuals.

The initial grant to the National Board was made April 20, 1983.

DATED: April 20, 1983.

FOR FURTHER INFORMATION CONTACT: Karen Keefer, Individual Assistance Division, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, D.C. 20472; (202) 287–0567.

Dennis H. Kwiatkowski,

Chairman, National Board.

Foreword

In accordance with Pub. L. 98–8, the Jobs Stimulus Bill, a National Board has been formed to distribute $50 million to local private voluntary organizations for the purpose of delivering emergency food and shelter to needy individuals. The National Board is composed of representatives of the United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross and the Federal Emergency Management Agency (FEMA).

This Plan has been developed by the National Board to outline the procedures, eligibility, roles and responsibilities in receiving the $50 million grant from FEMA and distributing it to local service providers.

A separate plan was prepared for the distribution of another $50 million awarded by FEMA in grants to States, for distribution to local entities involved in the delivery of emergency food and shelter to needy individuals.

1.0. Introduction

Public Law 98–8, signed by the President on March 24, 1983, provides for emergency expenditures that will meet urgent needs and protect and add to the national wealth by providing productive jobs, not make-work, for women and men; providing for the indigent and homeless through fiscal year 1983; and accomplishing other purposes. Under this law, the Federal Emergency Management Agency (FEMA) is responsible for carrying out an Emergency Food and Shetler Program.

A total of $100 million has been appropriated for this program. Half of this appropriation ($50 million) is to be provided as a grant for use by a National Board, which will be chaired by FEMA and consist of representatives of the United Way of America; the Salvation Army; the National Council of Churches; the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., the American Red Cross and FEMA. The remaining half ($50 million) will be used to provide food and shelter through grants to the States which will distribute funds to local recipients. All grants are to be awarded within 30 days after enactment of Pub. L. 98–8; all funds are to be expended by September 30, 1983.

1.1. Purpose

This plan details the National Board's roles, responsibilities and implementation procedures in regard to the $50 million grant award from FEMA. The funds will be used to provide emergency food and shelter to needy individuals through local boards and private voluntary organizations.

1.2. Scope

The program is nationwide in scope and will provide emergency food and shelter assistance to needy individuals in areas that are in highest-need.

Due to the emergency nature of this program, Congress designated the agencies named on this National Board because of their past longstanding service in this area. Since there are a number of local agencies that have the ability to deliver services and which are not associated with a national organization, local participation in the program is not limited to private voluntary organizations that are part of a national organization.

1.3. Objectives

A. National Board—To identify areas having the highest need for food and shelter assistance, to determine the amount and distribution of funds to these areas, and to ensure that funds are used to supplement existing programs, not replace them.

B. Local Board—To determine which private voluntary organizations in an area receive grants and recommend amount of the grants, based on the award by the National Board.

C. Local Private Voluntary Organizations—To expend all funds by September 30, 1983, on emergency food and shelter for needy individuals.

1.4. Lead Agency Responsibilities

A. The Director of the Federal Emergency Management Agency (FEMA) constituted a National Board consisting of seven members. The United Way of America, the Salvation Army, the National Council of Churches, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., The American Red Cross and the Federal Emergency Management Agency have each designated a representative to sit on the National Board. The representative of FEMA chairs the National Board, using parliamentary procedures as the mode of operation and consensus by the National Board.

B. The FEMA Director shall award a grant for $50 million to the National Board no later than April 23, 1983, for the purpose of providing emerency food and shelter to needy individuals through private voluntary organizations.

C. FEMA will conduct an audit of fund utilization after September 30, 1983, at which time all funds shall have been expended.

2.0. Concept of Operations

A. Funds distributed by the National Board will be to areas of greatest need. The formula for distribution is in section 2.1.B.

B. National Board funds will be distributed directly to local private voluntary organizations certified eligible by local boards. (Refer to section 2.1.D.)

C. There is an administrative cost limitation of 2% on the $50 million. The National Board and its member national agencies will not charge for administrative costs incurred, except for audit costs. The remainder of the $50 million will go directly to local private voluntary organizations, which will be advised of the amount available for administrative costs associated directly with their emergency food and shelter program. The National Board encourages local boards and service providers to waive administrative costs, where possible.

None of these monies may be used as reimbursement for administrative costs any of their parent organizations (or its chapters) might incur as a result of this additional funding. (See item 2.1.F.—Eligibility Costs.)

D. FEMA will award a $50 million grant to the National Board no later than April 23, 1983, which is thirty days after enactment of Pub. L. 98–8.

E. The National Board will begin to distribute funds to local private voluntary organizations no later then May 31, 1983. Unused or recaptured

funds will be reallocated among the original communities of highest need by July 1, 1983.

F. All funds shall be expended by recipient entities by September 30, 1983.

2.1. General Guidelines

A. *Grant Award Process:* United Way of America has been designated by the National Board as fiscal agent of the Board. The grant awarded to the National Board will provide for an advance for checks to be written to local private voluntary organizations.

Funds distributed directly to local private voluntary organizations will be in accordance with terms and conditions established by the National Board.

B. *Designation of Target Areas:* Local areas of highest need will be selected to receive funds from the National Board based upon a series of considerations including the most recent available unemployment statistics by the Department of Labor and such other data as the National Board deems appropriate. A notice will be placed in the **Federal Register** listing the civil jurisdictions that are selected and the dollar amount each has been awarded.

The calculation for distributing funds to an area will be based on the number of unemployed expressed as a percentage of the total unemployed within the civil jurisdiction selected.

C. *Formation of Local Boards:* As provided in Pub. L. 98–8, each area designated by the National Board to receive funds shall constitute a local board with representatives, to the extent practicable, including, but not limited to, the same organizations represented on the National Board, except that the mayor or appropriate head of government will replace the FEMA member. The National Board has designated the local United Way to constitute and convene a local board as described above. In the event the local United Way does not convene the board, the local American Red Cross will be responsible for convening the initial meeting of the local board. The members of each local board will elect its chair.

Local boards will have 15 days after notification of selection by the National Board to receive funds in which to certify the capability of selected local private voluntary organizations. After 30 days, if a local board is unable to satisfy the National Board as to the local area's capability to utilize funds in accordance with this Plan, the National Board may reallocate the funds to areas of greatest need.

The chair of the local board will be the central point of contact between the National Board and the local private voluntary organizations selected to receive monetary assistance for the emergency food and shelter programs. To ensure program coordination, the chair of the local board will contact the State agencies through which surplus food is being distributed by the U.S. Department of Agriculture pursuant to authorities under Pub. L. 98–8 and other applicable authorities, and the chair will likewise contact the Governor's agency designated to distribute funds through FEMA's State Grant program for Emergency Food and Shelter authorized by Pub. L. 98–8.

The local boards also will be responsible for monitoring programs carried out by the local private voluntary organizations they have selected to receive funds. By October 31, 1983, local boards must provide the National Board with a detailed program report of accomplishments and accounting of all funds expended in that area.

D. *Selection of Recipient Organizations:* Due to the emergency nature of this program, Congress designated the agencies named on this National Board because of their past longstanding service in providing emergency food and shelter. In selecting local recipient organizations to receive funds distributed by the National Board, the local boards must consider the demonstrated capability of the organization to provide food and shelter assistance. The local board has the authority to determine which local organizations will receive and provide the assistance. For a local organization to be eligible for consideration it must: (1) Be non-profit, (2) have a voluntary board, (3) have an accounting system, conduct an annual audit and (4) practice nondiscrimination.

In case there is a local religious or service organization or agency with the capacity to deliver food or shelter, but which does not have an adequate accounting system but meets all the other criteria, the local board may authorize funds to be channeled through an agency which does have an adequate accounting system and meets all the criteria.

Each local board will complete a certification for the use of funding for food and sheltering purposes. A suggested certification form for local board use will be sent to the chair of the local board in care of the local United Way (or American Red Cross) when notified that the area has been selected as a target area for assistance.

E. *Program Funds:* FEMA will award $50 million to the National Board no later than April 23, 1983. The National Board has agreed that the United Way of Americal shall act as the Board's fiscal agent of the funds awarded to the Board. The Board has also agreed that the United Way of America shall act as the Board's secretariat and perform the necessary administrative duties that the Board must accomplish. The United Way of America has volunteered to provide these administrative services without reimbursement to ensure the maximum dollars available for local programs.

The calculation the National Board uses in determining its fund distribution to designated local areas is based on a ratio calculated as follows: Number of unemployed within an eligible area *divided by* the number of unemployed covered by the national program *equals* the area's percentage of $50 million (less audit costs).

$$\frac{\text{Number unemployed in area}}{\text{Number unemployed in all designated areas}} = \text{Area's \% of \$50 million less audit costs}$$

F. *Eligibility of Costs:* This appropriation is intended for the purchase of food and provision of shelter, to supplement and extend current available resources and not for substitution or reimbursement for ongoing programs and services. However, in supplementing current available resources, the following guidance is provided.

1. Eligible program costs include, but are not limited to—

a. Purchase of food and/or transportation expenses for mass feeding;

b. Purchase of supplies incidental to feeding (e.g., utensils or pots and pans);

c. Direct expenses associated with mass shelter (e.g., rent, cots, blankets and other supplies);

d. Emergency lodging or shelter costs (e.g., hotel or motel expenses, only if the local recipient organization provides emergency shelter by using a voucher or cash payment system and only where extreme need arises); and

e. Once only, limited, emergency rent or mortgage assistance (one-month maximum) to avoid immediate eviction when no other resources or assistance exists.

2. Eligible administration costs (limited to 2% of total finds received) include, but are not limited to,

a. Audit expenses;

b. Printing and reproduction costs (to advertise/publicize program availability); and

c. Overhead expenses associated with expanded services (e.g., utilities or leasing costs).

3. Ineligible costs include, but are not limited to,

a. Rent or mortgage subsidies, cash payments (except for emergency lodging costs as noted above), and real property and equipment purchases (land, building, vehicles, or major equipment); and

b. Indirect administrative costs, e.g., procurement services, travel, personnel services (salaries, overtime, fringe benefits), budgeting and payroll preparation.

4. No expenditures will be accepted as eligible costs if they are made prior to the date of the award (i.e., the date the National Board signs the award) to the local recipient organization.

5. In extreme cases, exemptions to the above may be requested in advance from the National Board.

2.2. Roles and Responsibilities

A. *FEMA's Responsibilities:*

1. Constitute a National Board.

2. Chair the National Board.

3. Provide guidance, coordination and staff assistance to Board.

4. Award $50 million to the National Board no later than April 23, 1983.

5. Conduct an audit of funds in accordance with the audit plan submitted by the National Board.

B. *National Board Responsibilities:*

1. Determine how funds are to be distributed to individual localities.

2. Develop this operational plan for distributing funds and establishing criteria for expenditure of funds.

3. Notify local United Way in areas selected for funding and send copies of the notification to local agencies which are represented on the National Board and to heads of government of areas selected to receive funds. Secure certification from local boards that funds will be used in accordance with established criteria.

4. Distribute funds to selected local private voluntary organizations.

5. Within 60 days following the grant award, submit to FEMA an audit plan.

6. Submit end-of-program report on localities' uses of funds to FEMA by November 30, 1983.

C. *Responsibility of Local United Way (or American Red Cross):*

1. Constitute a local board.

2. Convene initial meeting.

D. *Local Board's Responsibilities:*

1. Elect a chair.

2. Determine which local private voluntary organizations should receive grants and the amount of the grants.

3. Certify eligibility of local private voluntary organizations.

4. Provide technical assistance to potential service providers.

5. Monitor expenditures of funds at local level.

6. Coordinate local food distribution with state agencies which already administer the U.S. Department of Agriculture's surplus food distribution programs.

7. Coordinate any State grant allocations in the local area with the state agency designated to distribute those funds.

8. Submit reports to the National Board on expenditures and local private voluntary organizations' programs by August 15 (for period through July 31), September 15 (through August 31), and October 31 (through end-of-program, September 30).

9. Return any funds unexpended by September 30, 1983 to the National Board.

10. Advertise/publicize program and consider all private voluntary organizations providing emergency food and shelter assistance, not just those represented on the local board.

3.0. Reporting Requirements

Local boards will monitor local private voluntary organizations' expenditures of funds and submit interim reports on August 15 and September 15, and a detailed accounting of these expenditures in the form of an end-of-program report to the National Board by October 31, 1983.

The National Board will compile the reports it receives from the local boards and submit a detailed accounting of areas' use of monies in the form of a report to FEMA by November 30, 1983.

FEMA's Inspector General will conduct an audit of the expenditure of funds used under the appropriation for the food distribution and emergency shelter program. The SL/DA/IA program office in FEMA will prepare a report for the FEMA Director. The FEMA Director will prepare a report to Congress.

4.0. Amendments to Plan

The National Board reserves the right to amend this Plan at any time.

Annex 2.1—Financial Terms and Conditions

General Provisions for Assistance (Grant) Agreements

Provisions Applicable to the United Way of America Acting as Agent of the National Board

1. *Parties:* This instrument is entered into by the Federal Emergency Management Agency (FEMA), the National Board authorized by Pub. L. 98-8 to distribute money for the provision of food and shelter assistance, and the United Way of America, which is acting as the fiscal agent of the National Board in distributing these funds.

2. *Amendments:* This instrument may be amended at any time by a written modification. Amendments which reflect the rights and obligations of any of the parties shall be executed by FEMA, the National Board, and the United Way of America, acting as the fiscal agent for the National Board. Administrative amendments such as changes in appropriation data may be issued unilaterally by the Federal Emergency Management Agency (FEMA).

3. *Cash Depositories:*

a. Any money advanced to the United Way of America under the terms of this instrument must be deposited in an interest bearing account which will be segregated from all other accounts which the United Way of America maintains. In addition, such money must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage, and the balance exceeding FDIC coverage must be collaterally secured.

b. Consistent with the national goal of expanding the opportunities for minority business enterprises, the United Way of America and the local private voluntary organizations to which it distributes funds are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Office of Minority Business Enterprises, Department of Commerce, Washington, D.C. 20230.

4. *Retention and Custodial Requirements for Records:*

a. Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three years, with the following exceptions:

(1) If any litigation, claim or audit is started before the expiration of the three-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.

(2) Records for nonexpendable property, if any, acquired with Federal funds shall be retained for three years after its final disposition.

(3) When records are transferred to or maintained by FEMA, the three-year retention requirement is not applicable to the United Way of America.

b. The retention period starts from the date of the submission of the United Way of America of the final expenditure report.

c. FEMA will request transfer of certain records to its custody from the United Way of America when it determines that the records possess long-term retention value. The United Way of America shall make such transfers as are requested. However, in order to avoid duplicate recordkeeping, FEMA may make arrangements with the United Way of America to retain records at the point of use, for those that are continuously needed during the progress of work.

d. The Director of FEMA and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its subgrantees, to make audits, examinations, excerpts and transcripts.

5. *Financial Management Systems:* The National Board and the United Way of America shall maintain a financial management system that provides for the following:

a. Accurate, current and complete disclosures of the financial results of this instrument.

b. Records that identify adequately the source and application of funds for Federally supported activities. These reports shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays and incomes.

c. Effective control over and accountability for all funds, property and other assets.

d. A comparison of actual outlays with budgeted amounts and the relationship of specific performance and costs incurred.

e. Procedures to minimize the time elapsing between the transfer of funds to the United Way of America and disbursement by the United Way of America when advances are used.

f. Procedures for determining reasonableness, allowability and allocability of costs in accordance with the provisions of the National Board's Emergency Food and Shelter Plan.

g. Accounting records that are supported by source documentation.

h. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

6. *Audit Requirements:*

a. The National Board shall use its own procedures to arrange for independent audits, and to prescribe the scope of audits.

b. The provisions hereunder do not limit the authority of Federal agencies to make audits of recipient organizations. However, if independent auditors arranged for by the National Board meet the General Accounting Office (GAO) principles and standards, the FEMA Inspector General shall rely on them, and any additional audit work shall build upon the work already done.

c. Audits shall be made in accordance with the GAO Standards for Audits of Governmental Organizations, Programs, Activities and Functions, the Guidelines for Financial and Compliance Audits of Federally Assisted Programs, and generally accepted auditing standards established by the American Institute of Certified Public Accountants.

d. The National Board shall complete an audit of the program to coincide with the next scheduled audit of the National Board's Fiscal Agent.

e. The auditor shall promptly notify FEMA and the National Board of any irregularities discovered. Irregularities include such matters as conflicts of interest, falsification of records or reports, and misappropriation of funds or other assets.

f. Work papers and reports shall be retained for a minimum of three years from the date of the audit report unless the auditor is notified in writing by FEMA of the need to extend the retention period. The audit workpapers shall be made available upon request to FEMA or its designees and the General Accounting Office or its designees.

g. Within 60 days of receipt of the award the National Board will submit to FEMA for its approval a plan for auditing the program.

7. *Payment:* Payment shall be made to the United Way of America, acting as agent for the National Board, through an advance by Treasury check. Cash advances shall be limited to the amounts necessary for the immediate disbursement needs and shall be timed to be in accord with the cash requirements of the United Way of America in carrying out the purposes of the program. The United Way of America shall initiate the cash advance by submitting Standard Form 270, Request for Advance or Reimbursement.

8. *Financial Reporting Requirements:* The United Way of America, acting as agent for the National Board, shall submit an original and two copies of a Financial Status Report (Standard Form 269) on the following dates:

a. June 10, 1983. This report will cover the period ending May 30, 1983.

b. Ninety (90) calendar days after the end date of the grant.

9. *Closeout Procedures:*

a. The following definitions shall apply:

(1) Closeout—the closeout of this instrument is the process by which FEMA determines that all applicable administrative actions and all required work of the instrument have been completed by the United Way of America and FEMA.

(2) Date of completion—the date on which all work under the instrument is completed or the date in the award document, or any supplement or amendment thereto (including termination notices subject to the clause entitled Suspension and Termination Procedures), on which Federal assistance ends.

(3) Disallowed costs—disallowed costs are those charges to the instrument that FEMA determines to be unallowable in accordance with the applicable Federal cost principles or other conditions contained in the instrument. The applicable cost principles are contained in OMB Circular A–122, "Cost Principles for Non-Profit Oganizations."

b. The parties shall close out this instrument in accordance with the following procedures:

(1) The United Way of America, acting as agent for the National Board, shall immediately refund any balance of unobligated (unencumbered) funds that FEMA has advanced or paid and that is not authorized by FEMA to be retained by the United Way of America for use in other instruments.

(2) The United Way of America, acting as agent for the National Board, shall submit to FEMA within 90 days after completion of this instrument all financial and other data required by FEMA to close out the instrument. FEMA may grant extensions when requested by the National Board.

(3) In the event a final audit has not been performed prior to the close out of the instrument, FEMA shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

10. *Suspension and Termination Procedures:*

a. The following definitions shall apply:

(1) Termination—termination of this instrument means the cancellation of Federal assistance, in whole or in part, under the instrument at any time prior to the date of completion.

(2) Suspension—the suspension of this instrument is an action by FEMA that temporarily suspends Federal assistance under the instrument pending corrective action by the National Board or pending a decision to terminate the instrument by FEMA.

Annex 2.2—Financial Terms and Conditions

Provisions Applicable to Local Private Voluntary Organizations

1. *Definitions:*

a. The term "Recipient" refers to the Local Private Voluntary Organization that will receive any award of funds from the National Board.

b. The term "Award" refers to the award of funds made by the National Board to a Local Private Voluntary Organization.

2. *Amendments:* An award may be amended at any time by a written modification. Amendments which reflect the rights and obligations of either party shall be executed by both the National Board and the recipient. Administrative amendments such as changes in accounting data may be issued unilaterally by the National Board.

3. *Cash Depositories:*

a. Any money advanced to the recipient under the terms of this award must be deposited in a bank account which will be segregated from all other accounts which the recipient maintains. Such account must be in a bank with Federal Deposit Insurance Corporation (FDIC) insurance coverage, and the balance exceeding the FDIC coverage must be collaterally secured.

b. The recipient is encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). This is consistent with the national goal of expanding the opportunities for minority business enterprises. A list of minority owned banks can be obtained from the Office of Minority Business Enterprises, Department of Commerce, Washington, D.C. 20230.

4. *Retention and Custodial Requirements for Records:*

a. Financial records, supporting documents, statistical records, and all other records pertinent to the award shall be retained for a period of three years, with the following exceptions:

(1) If any litigation, claim or audit is started before the expiration of the three-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.

(2) Records for nonexpendable property, if any, acquired with Federal funds shall be retained for three years after submission of a final Financial Report. Non-expendable property is defined as tangible property having a useful life of more than one year and an acquisition cost of more than $300 per unit.

(3) When records are transferred to or maintained by the National Board, the three-year retention requirement is not applicable to the recipient.

b. The retention period starts from the date of the submission by the recipient of the final expenditure report.

c. The National Board may request transfer of certain records to its custody from the recipient when it determines that the records possess long-term retention value. The recipient shall make such transfers as are requested. However, in order to avoid duplicate recordkeeping, the National Board may make arrangements with the recipient to retain records at the point of use, for those that are continuously needed during the progress of work.

d. The Director of FEMA, the Comptroller General of the United States, and the National Board, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its subgrantees, to make audits, examinations, excerpts and transcripts.

5. *Financial Management Systems:* The recipient shall maintain a financial management system that provides for the following:

a. Accurate, current and complete disclosures of the financial results of this instrument.

b. Records that identify adequately the source and application of funds for Federally supported activities. These reports shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays and incomes.

c. Effective control over and accountability for all funds, property and other assets.

d. Procedures for determining reasonableness, allowability and allocability of costs in accordance with the provisions of the National Board's Emergency Food and Shelter Plan.

e. Accounting records that are supported by source documentation. As a minimum, the PVO's must maintain a register of cash receipts and disbursements and original supporting documentation such as purchase orders, invoices, cancelled checks and whatever other documentation is necessary to support their cost under the program.

f. A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

6. *Audit Requirements:* The Local Private Voluntary Organization shall arrange for an audit of funds of coincide with the next scheduled annual audit of its financial affairs. An original and 2 copies of this audit will be provided to the National Board upon its requests.

7. *Payment:* Payment shall be made to the Private Voluntary Organization by the United Way of America, acting as the fiscal agent of the National Board, through issuance of a check drawn on funds advanced by FEMA.

8. *Financial Reporting Requirements:* Recipient shall submit a final Financial Status Report within 30 calendar days after the end date of the award. The National Board shall provide the recipient with the necessary forms.

9. *Closeout Procedures:*

a. The following definitions shall apply:

(1) Closeout—is the process by which the National Board determines that all applicable administrative actions and all required work of the award have been completed by the recipient and the National Board.

(2) Date of completion—the date on which all work under the award is completed or the date in the award document, or any supplement or amendment thereto (including termination notices subject to the clause entitled Suspension and Termination Procedures), on which Federal assistance ends.

(3) Disallowed costs—disallowed costs are those charges that the National Board determines to be unallowable in accordance with the National Board Plan and applicable Federal cost principles or other conditions contained in the award. The applicable cost principles are contained in OMB Circular A–122, "Cost Principles Applicable for Non-Profit Agencies." A copy of this document can be obtained from the Government Printing Office, Washington, D.C. 20401.

b. The parties shall close out this award in accordance with the following procedures:

(1) The recipient shall immediately refund any balance of unobligated (unencumbered) funds that the National Board has advanced or paid and that is not authorized by the National Board to be retained by the recipient for use in other award.

(2) The recipient shall submit to the National Board (NB) within 30 days

after completion of the award all financial and other data required by the NB to closeout the award. The NB may grant extensions when requested by the recipient.

(3) In the event a final audit has not been performed prior to the close out of the award, the NB shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

10. *Suspension and Termination Procedures:*

a. The following definitions shall apply:

(1) Termination—termination of this award means the cancellation of Federal assistance, in whole or in part, under the award at any time prior to the date of completion.

(2) Suspension—the suspension of this award is an action by the National Board that temporarily suspends Federal assistance under the award pending corrective action by the recipient or pending a decision to terminate the award by the National Board.

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Tuesday
May 3, 1983

Part VI

Department of Transportation

Federal Highway Administration

Truck Size Policy Statement

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Ch. 1

[FHWA Docket No. 83-4, Notice No. 5]

Truck Size Policy Statement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of modifications to certain interim designated highway networks.

SUMMARY: The Federal Highway Administration (FHWA) made an interim designation of each State's Federal-aid Primary System highways on April 5, 1983. These roads were to be made available to certain size trucks from April 6 until issuance of the final regulation pursuant to the requirements of the Surface Transportation Assistance Act of 1982 (STAA). By this notice the FHWA provides modifications to the interim designated highway networks for the States of California, Delaware, Illinois, Iowa, Maine, Missouri, Nebraska, New York, Puerto Rico, South Carolina, West Virginia, and Wisconsin.

EFFECTIVE DATE: The modifications are effective May 3, 1983, and will expire upon designation of the final network.

FOR FURTHER INFORMATION CONTACT: Mr. Sheldon G. Strickland, Office of Highway Planning, (202) 426-0153, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426—0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 7:30 a.m. to 4:00 p.m. e.t., Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: On April 5, 1983, FHWA issued a policy statement (48 FR 14844) that provided an interim designation of highways on which commercial motor vehicles with dimensions authorized by sections 411 and 416 of the Surface Transportation Assistance Act of 1982 (STAA) (Pub. L. 97-424, as amended by Pub. L. 98-17) may be permitted to operate from April 6, 1983, until issuance of final regulations. The policy statement also provided that modifications to the interim designated network would be made under certain circumstances.

The designated routes in the Appendix to this notice supersede those routes designated in the April 5, 1983, policy statement. Puerto Rico's network is also listed because it was inadvertently omitted from the April 5, 1983, designations. Highlights of the State-by-State modifications follow:

—California—Routes US 199, CA 197, and portions of US 50 are removed from the interim system.

—Delaware—State Road 299 is replaced by State Truck Route 896 between Mt. Pleasant and Boyds Corner.

—Illinois—Routes US 136, US 52, and IL 26 are removed.

—Iowa—A large number of routes have been added at the State's request.

—Maine—Portions of US 1 and US 302 are removed from the interim system.

—Missouri—Portions of US 136, US 71, US 54, and US 60 are removed from the interim system. However, at the State's request, approximately 100 miles are added, including portions of US 136, US 59, US 24, US 60, and MO 37.

—Nebraska—At the State's request, the interim designated system will include all U.S. and State numbered highways with the four exceptions listed in the Appendix.

—New York—Routes US 20, US Alt. 20, NY 5, NY 78, NY 104, NY 13, and NY 278 have been removed from the interim system.

—Puerto Rico—Puerto Rico's designated system was inadvertently omitted from the April 5, 1983, Policy Statement.

—South Carolina—SC 18, US 176, US 1, and SC 557 have been deleted from the interim system and portions of US 78, US 378, US 76, US 321, US 52, and US 17 have also been deleted. SC 576 has been added to the system. Some other minor corrections are made.

—West Virginia—Routes US 250, US 50, and US 60 have been removed. Routes US 35 and WV 34 have been added.

—Wisconsin—US 151 through Madison has been removed from the interim system.

In the April 5, 1983, Policy Statement, we indicated that a notice of proposed rulemaking (NPRM) for the final system would be published later in April. The continuing discussions with several States concerning modifications of the interim system, and the legal challenges brought by several States have necessitated a delay in our anticipated schedule. The NPRM will be published in the near future, but at this time we are unable to estimate a publishing date. In the interim, we would again call attention to the Docket established in the February 3 Policy Statement, and we would encourage interested parties to continue to forward comments to that Docket.

Issued: April 29, 1983.

R. A. Barnhart,

Federal Highway Administrator, Federal Highway Administration.

BILLING CODE 4910-22-M

CALIFORNIA

Posted Route No.	From	To
CA 2	I-5	I-210 in Los Angeles
CA 7	I-405	I-10
I-10	US 101	I-5 in Los Angeles
CA 11	I-10	US 101
CA 15	I-5	I-805 in San Diego
CA 17	I-280 in San Jose	I-80 in Oakland
CA 22	I-405 in Seal Beach	CA 55 in Orange
CA 24	I-580 in Oakland	I-680 in Walnut Creek
CA 52	I-5	I-805 in San Diego
CA 55	I-405 in Costa Mesa	CA 91 in Anaheim
CA 57	I-5 in Santa Ana	I-210 in Pomona
CA 60	I-5/10 in Los Angeles	I-10 in Beaumont
CA 71	I-10	CA 60 in Pomona
CA 78	I-5 in Carlsbad	I-15 in Escondido
Bus I-80	US 50/CA 99 in Sacramento	I-80 Near Watt Ave.
CA 85	I-280	CA 101 in San Jose
CA 91	I-110 in Los Angeles	CA 60/I-215 in Riverside
CA 92	I-280 Near San Mateo	CA 17 in Hayward
CA 94	I-5	CA 125 in San Diego
CA 99	I-5 Near Wheeler Ridge	US 50 in Sacramento
US 101	I-5/10 in Los Angeles	I-80 in San Francisco
CA 117	I-5	I-805 in San Diego
CA 118	I-405 in Los Angeles	I-210 in San Fernando
CA 125	CA 94	I-8 in La Mesa
CA 133	I-405	I-5 Near El Toro
CA 134	US 101 in Los Angeles	I-210 in Pasadena
CA 163	I-8	I-15 in San Diego
CA 170	US 101	I-5 in Los Angeles
CA 215	I-15 Near Temecula	CA 60 Near Riverside
CA 238	I-580 in Castro Valley	CA 17 in San Leandro
CA 14	I-5 Near San Fernando	US 395 Near Ridgecrest
CA 46/41	US 101 in Paso Robles	CA 99 in Fresno
CA 58	CA 99 in Bakersfield	I-15 in Barstow
CA 97	I-5 Weed	Oregon St. Line, Doris
US 101	CA 17 (I-180) San Rafael	Oregon St. Line
CA 198	I-5 Coalinga	CA 99 Visalia
US 395	I-15 Near Victorville	Nevada St. Line
US 395	Nevada St. Line	Oregon St. Line
CA 95	I-40 Near Needles	Nevada St. Line
US 6	US 395 Bishop	Nevada St. Line
US 50	Sacramento	Sly Park Rd. Interchange

DELAWARE

Posted Route No.	From	To
DE 141	I-95	Jct. with DE 2
US 13	Jct. with I-495 South of Wilmington	Maryland St. Line
US 301	US 13 near Tybouts Corner	Maryland St. Line
US 202	I-95 Wilmington	Pennsylvania St. Line
DE Truck RT. 896	US 301 Mt. Pleasant	US 13 Boyds Corner

ILLINOIS

Posted Route No.	From	To
IL 5	I-80	US 30 Sterling
IL 6	I-74	IL 88 Peoria
US 20	I-90	East Dubuque
US 50	Indiana St. Line	I-64 East St. Louis
US 51	US 20	Anna IL 146
IL 53	I-90	IL 68
IL 53	I-290	Army Trail Road
IL 394	I-80	IL 1 Crete
IL 3	Cairo	East St. Louis
US 50	Missouri St. Line	IL 3
IL 13	Murphysboro	US 45 Harrisburg
IL 149	IL 3	Murphysboro
IL 146	Ware	I-57
US 45	I-24 at Vienna	I-70
US 67	Alton	Moline
IL 130	Grayville	Newton
IL 33	Newton	I-70
IL 29	Pana	Springfield
IL 125-97	Springfield	US 67 Beardstown
US 54	Missouri St. Line	US 36 near Pittsfield
US 36	Missouri St. Line	I-55
US 36	Decatur	Indiana St. Line
US 30	Iowa St. Line Clinton	IL 5 Sterling
US 24	Quincy	Indiana St. Line
US 34	Iowa St. Line near Gulfport	IL 88
IL 68	US 12	I-94
IL 31	I-90	US 12
US 45	IL 173	Wisconsin St. Line
IL 173	US 45	I-94
US 34	Oswego	Illinois Toll Road
IL 88	US 34	I-80
IL 141	US 45 Gossett	Indiana St. Line
US 12	IL 31	Wisconsin St. Line
IL 92	I-280	US 67 Rock Island

IOWA

Posted Route No.	From	To
IA 1	North Jct. IA 16	West Jct. IA 78
IA 1	North Jct. IA 92	IA 22
IA 1	North Jct. US 6 & US 218	I-80
IA 1	SCL Martelle	Jct. US 151
IA 2	Missouri River Bridge	Jct. IA 25
IA 2	Decatur Co. Line	Mississippi River Bridge
IA 3	South Dakota	North Jct. IA 12
IA 3	Jct. US 75	Jct. IA 7
IA 3	East Jct. IA 17	West Jct. IA 13
IA 4	Jct. IA 3	East Jct. US 18
IA 4	SCL Wallingford	Minnesota
IA 5	Missouri	ECL Cincinnati
IA 5	Jct. IA 2	Jct. I-35
US 6	Nebraska	Jct. I-80
US 6	Jct. IA 48	South Jct. US 71
US 6	I-80 (Dexter)	I-80 (Altoona)
US 6	IA 14	I-80 (Cedar Co.)
US 6	Jct. IA 130	Jct. I-74
IA 7	Jct. IA 3	North Jct. US 71
IA 7	Barnum Road	US 20
IA 8	US 63	US 218
IA 9	IA 60	North Jct. US 69
IA 9	South Jct. US 69	I-35
IA 9	East Jct. US 218	ECL Riceville
IA 9	US 63	Wisconsin
IA 10	East Jct. US 59	ECL Sutherland
IA 12	US 20	NCL Sioux City
IA 13	US 30	NCL Manchester
IA 13	West Jct. IA 3	US 52
IA 14	IA 163	NCL Newton
IA 14	US 30	West Jct. IA 175
IA 14	East Jct. IA 175	IA 57
IA 15	East Jct. US 18	West Jct. IA 9
IA 16	NCL Eldon	North Jct. IA 1
IA 16	Denmark	US 61
IA 17	IA 141	East Jct. US 20
IA 17	West Jct. US 20	East Jct. IA 3
US 18	WCL Rock Valley	North Jct. US 71
US 18	South Jct. US 71	North Jct. US 218
US 18	South Jct. US 218	ECL Bassett
US 18	South Jct. US 63	Wisconsin
US 20	I-29	Illinois
IA 21	SCL What Cheer	West Jct. US 6
IA 21	East Jct. US 6	East Jct. IA 8
IA 21	West Jct. IA 8	IA 412
IA 22	WCL Wellman	West Jct. IA 70
IA 23	Jct. US 63	Jct. IA 137
IA 25	IA 2	IA 92

Posted Route No.	From	To
IA 25	West Jct. IA 925	IA 44
IA 26	IA 9	Minnesota
IA 28	IA 92	East Jct. IA 5
IA 28	West Jct. IA 5	US 6
US 30	Missouri River Bridge	Illinois
IA 31	SCL Corectionville	US 59
US 34	Missouri River Bridge	South Jct. IA 25
US 34	North Jct. IA 25	Illinois
IA 37	WCL Earling	US 59
IA 38	US 61	I-80
IA 38	SCL Tipton	East Jct. US 30
IA 39	US 59	Deloit
IA 40	Begin Route	IA 2
IA 44	US 71	IA 141
IA 46	IA 5	IA 163
IA 48	US 59	NCL Essex
IA 48	US 34	US 6
IA 49	SCL Lenox	US 34
IA 51	US 18	IA 9
US 52	North Jct. US 61	North Jct. IA 386
US 52	West Jct. IA 3	East Jct. US 13
US 52	ECL Calmar	Minnesota
IA 55	Begin Route	IA 2
IA 57	IA 14	US 20
US 59	Missouri	IA 184
US 59	IA 92	North Jct. US 6
US 59	IA 83	South Jct. US 30
US 59	West Jct. US 20	IA 3
US 59	East Jct. IA 10	East Jct. US 18
IA 60	US 75	Minnesota
US 61	Des Moines River Bridge	South Jct. IA 2
US 61	East Jct. IA 2	Wisconsin
IA 62	US 61	US 52
US 63	Missouri	West Jct. IA 2
US 63	East Jct. IA 2	East Jct. US 34
US 53	West Jct. US 34	IA 146
US 63	I-80	East Jct. US 6
US 63	West Jct. US 6	Minnesota
IA 64	US 151	US 61
US 65	North Jct. US 34	West Jct. US 6
US 65	I-80	IA 117
US 65	US 30	South Jct. US 20
US 65	North Jct. US 20	Sheffield
US 65	SCL Mason City	Minnesota
US 67	Mississippi River	South Jct. US 80
US 67	East Jct. US 30	4.64 miles North of Clinton
US 69	SCL Lamoni	I-35
US 69	North Jct. US 65	Minnesota
IA 70	Begin Route	West Jct. IA 22

Posted Route No.	From	To
US 71	Missouri	West Jct. IA 3
US 71	East Jct. IA 2	IA 196
US 71	North Jct. US 20	West Jct. IA 9
US 71	East Jct. IA 9	Minnesota
US 75	North Jct. I-29	Minnesota
US 77	Nebraska	I-29
IA 77	IA 92	Keota
IA 78	IA 149	North Jct. US 218
IA 78	South Jct. US 218	IA 249
IA 78	WCL Morning Sun	US 61
IA 83	US 59	West Jct. US 6
IA 85	US 63	IA 21
IA 86	US 71	IA 9
IA 87	US 69	I-35
IA 92	Nebraska	IA 48
IA 92	WCL Fontanelle	West Jct. IA 5
IA 92	East Jct. IA 5	North Jct. IA 1
IA 92	South Jct. IA 1	Cotter
IA 93	WCL Summer	IA 150
IA 94	Palo	I-380
IA 95	Carbon	IA 148
IA 96	Gladbrook	US 63
IA 99	Toolesboro	Wapello
IA 101	US 218	IA 150
IA 103	US 218	US 61
IA 105	US 65	US 218
IA 107	SCL Thornton	US 18
IA 110	US 20	IA 7
IA 111	US 18	Woden
IA 117	IA 163	US 65
IA 127	South Jct. IA 183	US 30
IA 130	US 67	I-80
IA 133	US 30	Nevada
US 136	East Jct. US 61	Mississippi River Bridge
IA 136	ECL Delmar	WCL Lost Nation
IA 136	SCL Worthington	IA 3
IA 137	IA 5	IA 23
IA 141	I-29	North Jct. US 30
IA 141	WCL Manning	West Jct. US 71
IA 141	East Jct. US 71	West Jct. IA 161
IA 141	IA 141	US 169
IA 141	IA 210	I-35
IA 144	IA 141	NCL Dana
IA 145	I-35	ECL Thurman
IA 146	US 63	Dunbar
IA 148	West Jct. IA 2	US 34
IA 148	IA 95	I-80
IA 149	US 63	IA 78
IA 149	SCL Williamsburg	West Jct. US 6
IA 149	East Jct. US 6	US 30

Posted Route No.	From	To
IA 150	IA 151	IA 283
IA 150	North Jct. US 20	South Jct. IA 3
IA 150	North Jct. IA 3	US 18
US 151	US 30	South Jct. US 61
IA 157	US 63	Lime Springs
IA 160	IA 415	I-35
IA 161	West Jct. IA 141	SCL Dedham
IA 163	US 65	IA 92
US 169	Missouri	NCL Mt. Ayr
US 169	SCL Arispe	West Jct. US 34
US 169	East Jct. US 34	South Jct. IA 92
US 169	SCL DeSoto	I-80
US 169	US 6	IA 141
US 169	West Jct. US 30	IA 3
US 169	US 18	West Jct. IA 9
IA 173	IA 83	I-80
IA 175	Nebraska	ECL Onawa
IA 175	South Jct. US 71	ECL Lake City
IA 175	Gowrie	West Jct. US 169
IA 175	East Jct. US 169	ECL Dayton
IA 175	WCL Stratford	South Jct. IA 17
IA 175	North Jct. IA 17	South Jct. US 69
IA 175	North Jct. US 69	ECL Radcliffe
IA 175	North Jct. US 65	US 63
IA 181	Dallas	IA 5
IA 183	North Jct. IA 127	NCL Pisgah
IA 184	WCL Randolph	US 59
IA 188	SCL Clarksville	US 63
IA 191	NCL Council Bluffs	NCL Neola
IA 192	I-29	East Jct. US 6
IA 192	West Jct. US 6	I-29
IA 196	US 71	US 20
IA 205	US 65	Milo
IA 210	IA 141	NCL Woodward
IA 210	North Jct. IA 17	ECL Slater
IA 214	IA 175	Wellsburg
IA 215	Union	IA 175
US 218	US 136	South Jct. US 61
US 218	North Jct. US 61	IA 92
US 218	Relocation IA 22	I-380
US 218	I-80	East Jct. US 30
US 218	West Jct. US 30	IA 227
IA 220	US 6	IA 149
IA 221	I-35	Roland
IA 227	US 218	Stacyville
IA 236	IA 141	Templeton
IA 244	I-80	IA 191
IA 249	IA 78	Winfield
IA 272	Elma	US 63
IA 273	WCL Drakesville	US 63

Posted Route No.	From	To
US 275	Missouri	NCL Hamburg
IA 276	US 71	Minnesota
IA 279	US 30	Atkins
IA 281	WCL Fairbank	IA 150
IA 283	Brandon	IA 150
IA 287	US 30	Newhall
IA 299	New Providence	IA 175
IA 300	Modale	I-29
IA 301	I-29	Little Sioux
IA 316	IA 5	NCL Runnells
IA 325	Spillville	US 52
IA 330	US 65	US 30
IA 363	IA 101	Urbana
IA 383	US 69	Randall
IA 386	South Jct. US 52	North Jct. US 52
IA 394	Missouri	US 218
IA 401	US 6	Johnston
IA 404	US 61	Montrose
IA 405	Lone Tree	IA 22
IA 406	US 34	US 61
Ua 412	US 63	US 218
IA 415	US 6	NCL Polk City
IA 927	IA 38	I-280
IA 928	West Jct. US 20	East Jct. US 20
IA 930	US 30	Ames
IA 939	IA 150	IA 187
IA 964	IA 5	IA 975
IA 967	US 20	Farley
IA 970	Monona Co.	US 75
IA 975	IA 5	IA 964

MAINE

Posted Route No.	From	To
Scarboro Connector	I-295 South Portland	US 1 South Portland
South Portland Spur	I-95 South Portland	US 1 South Portland
US 302	New Hampshire St. Line	I-295 Portland
Maine Turnpike	I-95 Portland	I-95 near Gardiner
US 1	I-95 Yarmouth	I-95 Freeport
US 1	I-95 Brunswick	Old US 1 (vicinity of Congress St.) Bath
US 1	I-95 Houlton	Canada Border, Fort Kent

MISSOURI

Posted Route No.	From	To
US 36	Kansas St. Line	Illinois St. Line
US 40	I-70 St. Charles County	I-55/70 St.Louis
US 169	I-29 at Kansas City	MO 152 at Kansas City
MO 725	US 40 at St. Louis	St. Louis Co. Route D
US 67	Arkansas St. Line	Exit 174 on I-55
US 61	I-70 St. Charles County	Iowa St. Line
US 63	Arkansas St. Line	Iowa St. Line
US 65	Arkansas St. Line	Iowa St. Line
US 71	Arkansas St. Line	I-435 Kansas City
US 71	Exit 53 on I-29	US 136 Maryville
Alt. US 71	I-44	US 71 Carthage
US 136	Nebraska St. Line	Exit 110 on I-29
US 54	South Junction US BR 54 at Lake Ozark	Illinois St. Line
US 60	MO 37 Monett	US 63 Cabool
US 24	I-435 Kansas City	US 65 Waverly
MO 7	US 71 Harrisonville	MO 13 Clinton
MO 13	I-44 Springfield	US 24 Lexington
US 50	Exit 7 I-470 Kansas City	Exit 247 on I-44
US 60	Oklahoma St. Line	US 71
US 67	MO 367	Illinois St. Line
US 412	Arkansas St. Line	Exit 19 on I-55
MO 84	Arkansas St. Line	US 412 near Kennett
MO 25	US 412 near Kennett	US 60 at Dexter
MO 5	Arkansas St. Line	US 60
MO 47	US 50 at Union	MO 100 at Washington
MO 100	MO 47 at Washington	I-44
MO 367	I-270	US 67
US 166	Kansas St. Line	I-44
MO 171	Kansas St. Line at KS 57	US 71 at Webb City
US 60	US 67 Poplar Bluff	I-55/57 near Sikeston
US 24	US 61 Taylor	Illinois St. Line
MO 37	MO 76 Cassville	US 60 Monett
US 59	Kansas St. Line	I-229 St. Joseph
US 24	East Junction US 24 and US 36 in Marion County	South Junction of US 24 and US 61 west of Hannibal

NEBRASKA

All U.S. and State numbered routes are designated, with the following exceptions:

- o US 159 from the junction with US 73 in Falls City east to Missouri
- o State Highway 2 from the junction with US 73/75 in Nebraska City east to Iowa
- o US 34 from the junction with L-13G in Plattsmouth east to Iowa
- o US 30 from the east junction with US 73 in the City of Blair east to Iowa

NEW YORK

Posted Route No.	From	To
NY 430	Pennsylvania St. Line	NY 426 Findley Lake
NY 426	NY 430 Findley Lake	NY 17 Findley Lake
NY 17	NY 426 Findley Lake	I-87 Thruway Exit 16
US 219	Pennsylvania St. Line	NY 17 Carrollton
US 219	NY 17 Kill Buck	I-90 Thruway Exit 55
NY 400	I-90 Thruway Exit 54	NY 16 South Wales
NY 198	I-190 Thruway Exit N11	NY 33 Buffalo
NY 33	Michigan Avenue Buffalo	NY 78 Williamsville
NY 179	NY 5 Windom	I-90 Windom
NY 75	NY 5 Mount Vernon	US 20 Mount Vernon
Walden Avenue	I-90 Thruway Exit 52	NY 277
NY 277	Near NY 130	Walden Avenue
NY 266	Buffalo City Limit	NY 325 Tonawanda
NY 325	NY 266 Tonwanda	Kenmore Avenue Tonwanda
NY 390	I-490 Rochester	NY 18 North Greece
NY 590	I-490 Rochester	NY 104 Irondequoit
Inner Loop	I-490 Rochester	I-490 Rochester
NY 15	Commerce Drive Rochester	NY 252 Rochester
NY 15A	NY 252 Rochester	I-390 Rochester
NY 204	NY 33A Gates	I-490 Gates
NY 252	NY 15 Rochester	NY 15A Rochester
NY 441	I-490 East Rochester	NY 253 East Rochester
NY 690	I-90 Lakeland	NY 370 Baldwinsville
NY 481	I-81 North Syracuse	NY 104 Oswego
NY 695	NY 5 Fairmont	I-690 Solvay
NY 5	Maple Avenue Camillus	West Genessee Fairmont
NY 298	I-690 Syracuse	I-81 Syracuse
US 15	Pennsylvania St. Line	NY 17 Corning
NY 7	I-81 Binghamton	I-88 Port Dickinson
NY 12	I-81 Glen Castle	I-790 Utica
NY 12	I-790 near I-90 Utica	US 11 Watertown
NY 12F	US 11 Watertown	I-81 Watertown
NY 8	County Road 9 Sauquoit	NY 12 Utica
NY 26	NY 365 Rome	NY 46 Rome
NY 365	I-90 Thruway Exit 33	NY 49 Rome
NY 49	NY 365 Rome	NY 12 Utica

Posted Route No.	From	To
North Genessee Arterial	NY 55 Utica	NY 5 Utica
US 11	NY 12 Watertown	Canada Border
NY 56	US 11 Potsdam	NY 37 Massena
NY 37	NY 56 Massena	US 11 Malone
Spur	NY 37 Rooseveltown	Canada Border
US 2	US 11 Rouses Point	Vermont St. Line
NY 254	I-87 Glen Falls	US 4 Hudson Falls
US 4	NY 254 Hudson Falls	Vermont St. Line
NY 7	I-787 Troy	Vermont St. Line
NY 2	NY 278 Clums Corner	Massachusetts St. Line
Berkshire Thruway	I-87 Thruway Exit 21A	I-90 Thruway Exit B1
US 9	Near NY 254 Glens Falls	Near County Road 34 Glens Falls
NY 7	I-890 Schenectady	West City Line of Watervliet
NY 5	NY 7 Schenectady	North City Line of Albany
Wolf Road	NY 5 at I-87 Colonie	I-87 at NY 155 Colonie
NY 440	New Jersey St. Line	I-278 Staten Island Expressway
NY 495	I-278 Brooklyn-Queens Expressway	I-678 Van Wyuk Expressway
NY 495	I-295 Clearview Expressway	NY 25 Riverhead Suffolk
NY 17	New Jersey St. Line	I-87 Suffern

PUERTO RICO

Posted Route No.	From	To
PR 1	Ponce	Salinas
PR 2	San Juan	Ponce
PR 3	Salinas	San Juan

SOUTH CAROLINA

Posted Route No.	From	To
US 78	Georgia St. Line	I-95 near St. George
US 378	Georgia St. Line	SC 121 Saluda
US 378	SC 262 Columbia	US 501 Conway
SC 72	Georgia St. Line	I-77 Rockhill
US 123	Georgia St. Line	US 25 Greenville
US 76	US 52 Florence	SC 576 near Marion
US 25	North Carolina St. Line	Georgia St. Line
SC 121	SC 72 Whitmire	US 25 Trenton
US 321	I-26 South of Columbia	I-95 near Hardeeville
US 601	North Carolina St. Line	SC 9 Pageland
SC 151	SC 9 Pageland	US 52 Darlington
US 52	US 15 Society Hill	US 52/I-26 Connector at Goose Creek
US 17	I-95 near Pocotaligo	US 21 Gardens Corner
US 17	I-26 Charleston	North Carolina St. Line
US 501	SC 576 Marion	US 17 Myrtle Beach
SC 576	US 76 near Marion	US 501 near Marion
US 21	US 17 Gardens Corner	SC 170 Beaufort
US 276	I-85 Greenville	I-26 near Laurens
US 521	I-20 Camden	North Carolina St. Line
US 15	US 52 Society Hill	North Carolina St. Line
US 301	Georgia St. Line	US 321 Ulmer
SC 277	I-77 near Columbia	I-126 near Columbia

WEST VIRGINIA

Posted Route No.	From	To
US 19	Jct. I-77 Bradley	Jct. I-79 Gassaway
US 22	Ohio St. Line	Pennsylvania St. Line
US 48	I-79 Morgantown	Maryland St. Line
US 50	I-77 Parkersburg	I-79 Clarksburg
US 119	Kentucky St. Line	I-77 Charleston
US 219	US 460 Rich Creek	Maryland St. Line
US 220	Virginia St. Line	Maryland St. Line
WV 2	I-70 Wheeling	US 250 Moundsville
US 522	Virginia St. Line	Maryland St. Line
US 460	US 52 Bluefield	219 Rich Creek
US 119	US 48 Morgantown	Pennsylvania St. Line
US 340	Virginia St. Line	Maryland St. Line
WV 34	I-64 Putnam County	Jct. US 35 Winfield
US 35	Jct. WV 34 Winfield	Ohio St. Line
US 52	I-64 Huntington	Ohio St. Line

WISCONSIN

Posted Route No.	From	To
US 2	Superior	Michigan St. Line at Hurley
US 2	Michigan St. Line west of Florence	Michigan St. Line east of Florence
US 8	Minnesota St. Line	Michigan St. Line
US 10	Minnesota St. Line	I-43 north of Manitowoc
WI 11	US 61 near Dubuque	WI 50 in Delavan
WI 11	WI 15 near Elkhorn	WI 31 in Racine
US 12	I-94 and County Hwy "EE" west of Eau Claire	WI 27 in Augusta
US 12	US 14 in Madison	Illinois St. Line
WI 13	WI 21 north of Friendship	US 2 in Ashland
US 14	Minnesota St. Line	I-90 at Janesville
WI 15	I-90 at Beloit	US 45 in Greenfield
WI 16	WI 78 at Portage	I-94 north of Waukesha
WI 17	US 8 in Rhinelander	US 45 in Eagle River
US 18	Iowa St. Line	US 14 west of Madison
WI 20	I-94 west of Racine	WI 31 in Racine
WI 21	WI 27 in Sparta	Oshkosh
WI 23	WI 32 north of Sheboygan Falls	Taylor Drive in Sheboygan
WI 26	I-94 at Johnson Creek	WI 16 at Watertown
WI 26	US 151 at Waupun	US 41 south-west of Oshkosh
WI 27	US 14 at Westby	WI 70 at Ojibwa
WI 29	I-94 west of Elk Mound	US 41 in Green Bay
WI 30	Madison	I-90 & 94 east of Madison
WI 31	WI 11 in Racine	WI 20 in Racine
WI 32	WI 29 west of Green Bay	US 8 in Laona
WI 34	WI 13 in Wisconsin Rapids	US 51 north-east of Knowlton
WI 35	I-94 in Hudson	WI 64 at Houlton
US 41	National Ave. in Milwaukee	Garfield Ave. in Milwaukee
US 41	107th St. in Milwaukee	Michigan St. Line
WI 42	I-43 west of Manitowoc	WI 57 south-west of Sturgeon Bay
US 45	Illinois St. Line	Michigan St. Line
WI 50	WI 11 in Delavan	WI 15 south of Delavan
WI 50	I-94 west of Kenosha	45th Ave. in Kenosha
US 51	US 16 in Portage	US 2 near Hurley
US 53	US 14 in La Crosse	US 10 in Osseo
US 53	I-94 south-east of Eau Claire	I-535 in Superior
WI 54	WI 13 in Wisconsin Rapids	US 51 near Plover
WI 57	I-43 in Green Bay	Sturgeon Bay
WI 58	US 14 in Richland Center	WI 82 in Mauston
US 61	Iowa St. Line	WI 129 south-east of Lancaster
US 61	WI 129 north-east of Lancaster	Minnesota St. Line
US 63	Minnesota St. Line	US 2 west of Ashland
WI 64	Minnesota St. Line	WI 35 at Houlton
WI 69	WI 11 at Monroe	County Hwy "PB" at Paoli
WI 70	Minnesota St. Line	US 2 & 141 at Florence
WI 77	WI 13 in Mellon	US 51 at Hurley
WI 78	I-90 & 94 south of Portage	US 51 north of Portage
WI 80	I-90 & 94 north of New Lisbon	WI 13 near Pittsville
WI 82	Iowa St. Line	US 14 south of Viroqua

WI 82	WI 58 in Mauston	I-90 & 94 east of Mauston
WI 119	I-94 in Milwaukee	WI 38 in Milwaukee
WI 124	US 53 north of Eau Claire	WI 29 in Chippewa Falls
WI 129	US 61 south-east of Lancaster	US 61 north-east of Lancaster
WI 139	US 8 near Cavour	WI 70 near Tipler
US 141	US 41 at Abrams	Michigan St. Line
WI-145	Broadway in Milwaukee	Milwaukee-Waukesha Co. Line
US 151	Iowa St. Line	US 18 east of Dodgeville
US 151	I-90-94 in Madison	Manitowoc
WI 172	US 41 in Ashwaubenon	County Hwy "X" south of Green Bay
County Hwy "PB"	WI 69 at Paoli	US 18 east of Verona

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At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

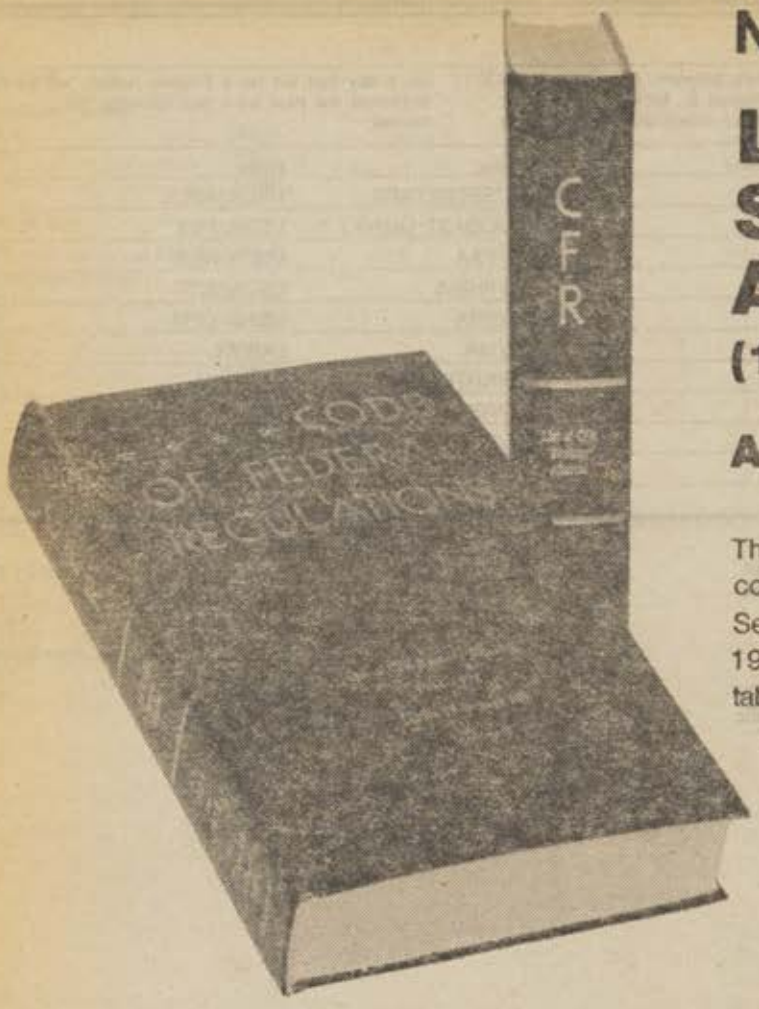
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Note: **The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.**

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing April 28, 1983



New Publication

List of CFR Sections Affected

(1964 through 1972)

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