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federal register

Tuesday
May 10, 1983

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Immigration and Naturalization Service
Animal Drugs
Food and Drug Administration
Communications Common Carriers
Federal Communications Commission
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Food Assistance Programs
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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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Federal Home Loan Bank Board

Television Broadcasting
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Presidential Documents

Title 3—

The President

Executive Order 12418 of May 5, 1983

Transfer of Functions Relating to Financial Responsibility of Vessels for Pollution Liability

By the authority vested in me as President by the Constitution and statutes of the United States of America, in order to transfer certain functions relating to the financial responsibility of vessels for water pollution and establish the authority of Federal agencies to respond to discharges or substantial threats of discharges of oil and hazardous substances, it is hereby ordered as follows:

Section 1. Executive Order No. 11735 of August 3, 1973, is amended as follows:

(a) The heading of Section 3 is amended to read "Reserved".

(b) Subsections 3(1) and 3(2) are redesignated subsections 2(6) and 2(7) respectively.

(c) Section 5(a) is amended to provide as follows:

"(a) The head of each Federal department and agency having responsibilities under the National Contingency Plan (40 C.F.R. Part 300), as now or hereafter amended, is designated and empowered to exercise, without the approval, ratification, or other action of the President, in accordance with that Plan, the authority under Section 311(c)(1) of the Act (33 U.S.C. 1321(c)(1)), relating to the removal of oil and hazardous substances that have been discharged, or for which there is a substantial threat of discharge, into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone, or in connection with activities under the Outer Continental Shelf Lands Act or the Deepwater Port Act of 1974, or which may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States (including resources under the Fishery Conservation and Management Act of 1976).".

Sec. 2. Section 1–2 of Executive Order No. 12123 of February 26, 1979, is amended to provide as follows:

"1–2. *Determination of Financial Responsibility and the Assessment and Compromise of Penalties.*

"The Secretary of the Department in which the Coast Guard is operating is hereby delegated the following authorities:

"1–201. The authority vested in the President by Section 305(a)(1) of the Act (92 Stat. 677, 43 U.S.C. 1815(a)(1)), relating to vessels;

1–202. The authority vested in the President by Section 305(b) of the Act (92 Stat. 678, 43 U.S.C. 1815(b)), relating to offshore facilities; and

1–203. The authority vested in the President by Section 312(a)(2) of the Act (92 Stat. 684, 43 U.S.C. 1822(a)(2)), relating to the assessment and compromise of penalties concerning vessels.".

Sec. 3. Section 5(b) of Executive Order No. 12316 of August 14, 1981 is amended to provide as follows:

"(b) The functions vested in the President by Section 108(a) of the Act are delegated to the Secretary of the Department in which the Coast Guard is operating. The Secretary shall be responsible, in accordance with Section 109 of the Act, for the enforcement of civil penalties for violations of the regulations issued under Section 108(a) of the Act.".

Sec. 4. The Secretary of the Department in which the Coast Guard is operating is hereby delegated the authority vested in the President by Sections 311(p)(1)–(2) of the Federal Water Pollution Control Act, as amended (86 Stat. 870, 33 U.S.C. 1321(p)(1)–(2)), as those sections are incorporated by reference in Section 204(c)(3) of the Trans-Alaska Pipeline Authorization Act of 1973 (Public Law 93–153, 87 Stat. 586, 587), relating to the demonstration of financial responsibility for vessels carrying oil loaded from the Trans-Alaska pipeline.

Sec. 5. The Director of the Office of Management and Budget shall make such determinations, issue such Orders, and take all steps necessary or appropriate to effectuate the transfer of records, property, personnel, and positions and unexpended balances of appropriations, available or to be made available, which relate to the functions transferred, as provided in this Order, from the Federal Maritime Commission to the Secretary of the Department in which the Coast Guard is operating.

Sec. 6. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred from the Federal Maritime Commission to the Secretary of the Department in which the Coast Guard is operating by the delegation made in this Order shall remain in effect until amended, modified, or revoked.

Ronald Reagan

THE WHITE HOUSE,
May 5, 1983.

[FR Doc. 83–12861
Filed 5–6–83; 4:30 pm]
Billing code 3195–01–M

Presidential Documents

Executive Order 12419 of May 5, 1983

Implementation of the International Convention on Tonnage Measurement of Ships

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to implement the International Convention on Tonnage Measurement of Ships, it is hereby ordered as follows:

Section 1. The Secretary of the Department in which the Coast Guard is operating shall perform the obligations of the United States, as prescribed by the Articles of the Convention.

Sec. 2. The Secretary of the Department in which the Coast Guard is operating may authorize one or more United States corporations or associations to admeasure vessels and issue International Tonnage Certificates, pursuant to the provisions of the Convention.

Ronald Reagan

THE WHITE HOUSE,
May 5, 1983.

[FR Doc. 83-12662
Filed 5-6-83; 4:31 pm]
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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 215 and 220

Claim and Report Submission; National School Lunch Program, Special Milk Program; and School Breakfast Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule.

SUMMARY: The Food and Nutrition Service (FNS) is issuing this final rule to amend the regulations for the National School Lunch Program (NSPL), Special Milk Program (SMP) and School Breakfast Program (SBP). This rule implements a provision of Pub. L. 97–370, the 1983 Agriculture Appropriations Act, which mandates time limits for the submission of fiscal year 1983 Claims for Reimbursement to State agencies by School Food Authorities and program reports by State agencies to FNS. The rule will result in improved fiscal accountability at the local, State and Federal levels for fiscal year 1983 funds.

EFFECTIVE DATES: This rule is effective May 10, 1983. Since the statutory change reflected in this rule was effective upon enactment of Pub. L. 97–370 on December 18, 1982, fiscal year 1983 Claims for Reimbursement paid after December 18, 1982 and fiscal year 1983 program reports received by FNS after that date must have been submitted within the statutory deadlines.

FOR FURTHER INFORMATION CONTACT: Stanley C. Garnett, Branch Chief, Policy and Program Development Branch, School Programs Division, FNS, USDA, Alexandria, Virginia 22302, (703) 756–3620.

SUPPLEMENTARY INFORMATION:

Classification

This interim rule has been reviewed under Executive Order 12291 and has been classified as not major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of $100 million or more, nor will it result in major increases in costs or prices for consumers; individual industries; Federal, State or local government agencies; or geographic regions. Furthermore, it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S. based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has also been reviewed with regard to the requirements of Pub. L. 96–354; the Regulatory Flexibility Act. Robert E. Leard, Administrator of the Food and Nutrition Service, has certified that this rule will not have a significant adverse economic impact on a substantial number of small entities.

This rule is effective upon publication. Since the statutory change reflected in this rule was effective upon enactment of Pub. L. 97–370, fiscal year 1983 Claims for Reimbursement paid after December 18, 1982 and fiscal year 1983 program reports received by FNS after that date must have been submitted within the statutory deadlines. The law does not permit the Department to establish a later implementation date. Therefore, Robert E. Leard, Administrator, Food and Nutrition Service, has determined that good cause exists for making this rule effective earlier than 30 days after publication.

However, the Department did provide State agencies with advance notification that this provision was included in legislation which was likely to be enacted.

Background

There has been growing concern in the Congress, by the General Accounting Office, and by the Office of Management and Budget over the accountability for Federal funds. This regulation implements provisions included in the Agriculture Appropriation Act of 1983, Pub. L. 97–370, which was signed on December 18, 1982. These provisions mandate that "only final reimbursement claims for service of meals, supplements and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the claiming month shall be eligible for reimbursement from funds appropriated under this Act." The Act further stipulates that "States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month." Finally, the Act provides that "Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary."

The Department is planning to publish a proposed rule for public comment which would make permanent the claim and report submission provisions of Pub. L. 97–370 and also make other conforming changes to Parts 210, 215, and 220 of the regulations.

The claims and report provisions were included in the law because the Department was experiencing serious delays in receiving complete and accurate participation data for the various child nutrition programs. Since the receipt of timely and accurate data is essential to the administration of these programs, Congress mandated that States submit their monthly reports to FNS within 90 days. Recognizing that States must receive complete claims from schools and institutions in a timely manner in order to submit their monthly reports to FNS as mandated, Congress further established a 60-day time limit for submission of the claims from which States prepare the reports. The time limits specified in the law allow State agencies and School Food Authorities to deal with exigencies that may arise from time to time in the claim and report processes. Schools and institutions will have two months in which to collect and submit meal counts and other essential information, and State agencies will have an additional month in which to compile all participation data into a final report.

Schools, institutions, and State agencies are cautioned that claims which are not submitted within 60 days of the claiming month shall not be paid, and States shall not receive funds for meals which are not reported within 90 days of the month in which they were

served. Exceptions to these strictures may be granted by FNS on a case-by-case basis. However, it would be incumbent upon schools, institutions or State agencies to demonstrate to FNS that an exception is justified.

List of Subjects

7 CFR Part 210

Food assistance programs, National School Lunch Program, Grant programs—Social Programs, Nutrition, Children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

7 CFR Part 215

Food assistance programs, Special Milk Program, Grant programs-Social programs, Nutrition, Children, Milk, Reporting and recordkeeping requirements.

7 CFR Part 220

Food assistance programs, School Breakfast Program, Grant programs-Social programs, Nutrition, Children, Reporting and recordkeeping requirements.

Accordingly, Parts 210, 215 and 220 are amended as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. Section 210.4, is amended by adding a new paragraph (e) as follows:

§ 210.4 Payments to States.

* * * * *

(e) Notwithstanding any other provision of this section, for the fiscal year ending September 30, 1983, a State agency shall receive payments of Program funds under this section for any month only if a final Report of School Program Operations (FNS–10) for such month is submitted no later than 90 days following the last day of that month. FNS may grant exceptions to this requirement if it determines that such exceptions are justified.

2. In § 210.13, paragraph (b) is amended by adding the following language to the end of the paragraph:

§ 210.13 Reimbursement procedures.

* * * * *

(b) * * * Notwithstanding any other provision of this paragraph, final Claims for Reimbursement for fiscal year 1983 shall be filed with the State agency, or FNSRO where applicable, not later than 60 days following the last day of the month covered by the claim. Claims not filed within 60 days shall not be paid unless FNS determines that an exception should be granted.

* * * * *

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

1. Section 215.4 is amended by adding a new paragraph (c) as follows:

§ 215.4 Payments of funds to States.

* * * * *

(c) Notwithstanding any other provision of this section, for the fiscal year ending September 30, 1983, a State agency shall receive payments of Program funds under this section for any month only if a final Report of School Program Operations (FNS–10) for such month is submitted no later than 90 days following the last day of that month. FNS may grant exceptions to this requirement if it determines that such exceptions are justified.

2. In § 215.10, paragraph (c) previously reserved, is added to read as follows:

§ 215.10 Reimbursement procedures.

* * * * *

(c) Notwithstanding any other provision of this section, final Claims for Reimbursement for fiscal year 1983 shall be filed with the State agency, or FNSRO where applicable, not later than 60 days following the last day of the month covered by the claim. Claims not filed within 60 days shall not be paid unless FNS determines that an exception should be granted.

* * * * *

PART 220—SCHOOL BREAKFAST PROGRAM

1. Section 220.4, is amended by adding a new paragraph (d) as follows:

§ 220.4 Payments to States.

* * * * *

(d) Notwithstanding any other provision of this section for the fiscal year ending September 30, 1983, a State agency shall receive payments of Program funds under this section for any month only if a final Report of School Program Operations (FNS–10) for such month is submitted no later than 90 days following the last day of that month. FNS may grant exceptions to this requirement if it determines that such exceptions are justified.

§ 220.11 [Amended]

2. In § 220.11, paragraph (d), previously reserved, is added to read as follows:

* * * * *

(d) Notwithstanding any other provision of this section, final Claims for Reimbursement for fiscal year 1983 shall be filed with the State agency, or FNSRO where applicable, not later than 60 days following the last day of the month covered by the claim. Claims not filed within 60 days shall not be paid unless FNS determines that an exception should be granted.

* * * * *

(Catalog of Federal Domestic Assistance Nos. 10.553, 10.555 and 10.556)

(Pub. L. 97–370, 96 Stat. 1806)

Dated: April 22, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83–12487 Filed 5–9–83; 8:45 am]

BILLING CODE 3410–30–M

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7 CFR Parts 210, 215, 220, 235 and 245

[Amdts. 58, 27, 45, 9 and 24, Respectively]

Procurement Standards and Other Technical Changes

Correction

In FR Doc. 83–11524 beginning on page 19353 in the issue of Friday, April 29, 1983, make the following correction: The Docket line should have read as set forth above.

BILLING CODE 1505–01–M

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7 CFR Parts 225 and 226

Summer Food Service Program; Child Care Food Program; Claim and Report Submission

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rule

SUMMARY: This final rule implements a provision of Public Law 97–370, the 1983 Agriculture Appropriations Act, mandating the submission of claims to State agencies within 60 days of the claiming month and the submission of Program reports by State agencies to the Department within 90 days of the month covered by the report. This rule amends both the Child Care Food Program (CCFP) and the Summer Food Service Program (SFSP) regulations.

EFFECTIVE DATES: This rule is effective May 10, 1983. However, the statutory change reflected in this rule was effective upon enactment of Public Law 97–370 on December 18, 1982. Therefore, fiscal year 1983 Claims for Reimbursement paid after December 18, 1982 must have been submitted within the statutory deadlines.

FOR FURTHER INFORMATION CONTACT: Beverly Walstrom or Mary Lou Wheeler at Room 416, 3101 Park Center Drive, Alexandria, Virginia 22302 or by telephone at (703) 756–3688.

SUPPLEMENTARY INFORMATION: *Classification:* This rulemaking has been

reviewed in accordance with Executive Order 12291 and has not been classified as major because it will not have an annual effect on the economy of $100 million, will not cause a major increase in costs or prices, and will not have a significant economic impact on competition, employment, investment, productivity, innovation or on the ability of U.S. enterprises to compete with foreign based enterprises. This rule has also been reviewed with regard to the requirements of Public Law 96-354. The Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities.

This rule is effective upon publication. Since the statutory change reflected in this rule was effective upon enactment of Pub. L. 97-370, fiscal year 1983 Claims for Reimbursement paid after December 18, 1982 must have been submitted within the statutory deadlines. The law does not permit the Department to establish a later implementation date. Therefore, Robert E. Leard, Administrator, Food and Nutrition Service, has determined that good cause exists for making this rule effective earlier than 30 days after publication. However, the Department did provide State agencies with advance notification that this provision was included in legislation which was likely to be enacted.

The CCFP is authorized by Section 17 of the National School Lunch Act (NSLA), and the SFSP is authorized by Section 13 of the NSLA. Comprehensive regulations for the CCFP were last published on August 20, 1982, in response to changes mandated by Public Law 97-35, the *Omnibus Budget Reconciliation Act of 1981*. The most recent regulations for the SFSP were published on December 30, 1982. This regulation implements a provision of Public Law 97-370, which was signed on December 18, 1982. This provision mandates that "Only final reimbursement claims for service of meals, supplements and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the claiming month shall be eligible for reimbursement from funds appropriated under this Act." The Act further stipulates that "States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month." Finally, the Act provides that "Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary." The effective date of this provision established in the law is December 18, 1982.

This provision was included in the law because Congress perceived that the Department was experiencing serious delays in receiving complete and accurate participation data for the Child Nutrition Programs. Since the receipt of timely and accurate data is essential to the administration of these programs, Congress is mandating that States submit their monthly reports as soon as feasible after the end of the month. Recognizing that States must receive complete claims in a timely manner in order to submit their required monthly reports, Congress further established a 60-day time limit for submission of claims. The time limits specified in the law allow both State agencies and institutions to deal with exigencies that may arise from time to time. Institutions will have two months in which to collect and submit meal or home counts and other essential information, and State agencies will have an additional month in which to compile all participation data into a final report.

Paticipants and State agencies are cautioned that claims which are not submitted within 60 days of the claiming month shall not be paid, and States shall not be authorized to draw funds for meals which are not reported within 90 days of the month in which they were served. Exceptions to these may be granted by FNS on a case-by-case basis. However, it is incumbent upon the institution or State agency to demonstrate to FNS that an exception is justified.

The Department is planning to issue a proposed rule to make the claiming and reporting provision of Public Law 97-370 permanent.

In response to this mandate, the Department is amending the SFSP and CCFP regulations as follows:

Summer Food Service Program Regulations

(1) Two sentences are added to § 225.10(c) to specify that the final date for the State agency to report monthly information on the use of funds and on Program operations for Fiscal Year 1983 is 90 days after the month covered by the report. States shall not receive funds for any month for which the report is not submitted within this time frame unless FNS grants an exception.

(2) Two sentences are added to § 225.11(c)(6) to state that claims for Fiscal Year 1983 shall not be honored by the State agency unless they are submitted within 60 days of the month covered by the claim. No claim filed later than 60 days after the month covered will be paid unless FNS determines that an exception to this deadline should be granted.

Child Care Food Program

(1) In § 226.7(b), two sentences are added to specify that the deadline for the State to submit monthly reports for Fiscal Year 1983 is 90 days after the end of the month covered by the report. States shall not receive funds for any month for which the report is not submitted within this time limit unless FNS grants an exception.

(2) Two sentences are added to § 226.10(c) stating that claims for Fiscal Year 1983 shall not be honored unless they are submitted within 60 days after the end of the month covered by the claim. Claims submitted after the 60 day deadline will not be paid unless FNS determines that an exception should be granted.

List of Subjects

7 CFR Part 225

Food assistance program, Grant programs-health, Infants and children, Reporting and Recordkeeping requirements.

7 CFR Part 226

Day care, Food assistance programs, Grant programs-health, Infants and children, Reporting and recordkeeping requirements.

Accordingly, the Department is amending 7 CFR Part 225 as follows:

PART 225—SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

1. Section 225.10(c) is amended by adding two sentences to read as follows:

§225.10 Records and reports.

* * * * *

(c) * * * For Fiscal Year 1983, the final such report for each month shall be submitted not later than 90 days following the last day of the month covered by the report. States shall not receive Program funds for any month for which the final such report is not submitted within this time limit, unless FNS grants an exception.

* * * * *

2. Section 225.11(c)(6) is amended by adding two sentences to read as follows:

§ 225.11 Program payments.

* * * * *

(c) *Reimbursements.* * * *

(6) * * * Notwithstanding the foregoing, for Fiscal Year 1983, claims for reimbursement containing data in sufficient detail to justify the amount claimed and to enable the State agency to provide the information required in Program reports shall be filed with the State agency not later than 60 days following the last day of the month covered by the claim. Claims not filed within 60 days shall not be paid unless FNS determines that an exception should be granted.

* * * * *

Accordingly, the Department is amending 7 CFR Part 226 as follows:

PART 226—CHILD CARE FOOD PROGRAM

1. Amend § 226.7(d) by adding two sentences at the end of the present text, to read as follows:

§ 226.7 State agency responsibilities for financial management.

* * * * *

(d) *Reports.* * * * During Fiscal Year 1983, the final report for each month on the use of funds and on Program operations shall be submitted no more than 90 days following the last day of the month covered by the report. States shall not receive Program funds for any month for which the final report is not submitted within this time limit unless FNS grants an exception.

* * * * *

2. Amend § 226.10(c) by adding two sentences at the end of the present text, to read as follows:

§226.10 Program payment procedures.

* * * * *

(c) * * * Notwithstanding the above, For Fiscal Year 1983, claims for reimbursement containing data in sufficient detail to justify the amount claimed and to enable the State agency to provide the information required in Program reports shall be filed with the State agency not later than 60 days following the last day of the month covered by the claim. Claims not filed within 60 days shall not be paid unless FNS determines that an exception should be granted.

(Secs. 13 and 17 of the National School Lunch Act, as amended by Public Law 97-307).

Dated: April 22, 1983.

Robert E. Leard,

Administrator, Food and Nutrition Service.

[FR Doc. 83-12486 Filed 5-9-83; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 979

Melons Grown in South Texas; Amended Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule reduces the assessment rate for melons grown in South Texas from two cents to one cent per carton. The committee has estimated that the size of the melon crop will provide adequate income at the lower assessment rate. This will decrease the assessment burden on handlers.

EFFECTIVE DATE: May 1, 1983.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250, (202) 447-2615.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities because it reduces costs for the directly regulated handlers.

This amendment is based upon committee recommendations resulting from a telephone vote conducted April 15-19, 1983. During this period all committee members were contacted and the vote was unanimously in favor of this action. The committee has studied the reports of acreage planted in melons in the production area and has determined that sufficient income for committee operations would be generated at a rate of assessment of one cent per carton. While planted acreage is somewhat lower than last year, expenses for planned production research projects have been less than anticipated. This is because the cooperator was unable to hire a cultural practices technician, and because certain cultural practices projects will not be undertake this season. Since the committee has sufficent funds for contingencies in its reserve, committee members believe it appropriate to reduce the assessment this shipping season.

Findings

After consideration of all relevant matters, it is found that the following amendment will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice or to engage in public rulemaking procedure, and that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that (1) to maximize benefits to handlers this amendment should apply to as many shipments as possible during the effective period, (2) compliance with this amendment will not require any special preparation on the part of handlers, (3) information regarding the committee's recommendation has been made available to producers and handlers in the production area and (4) the amendment reduces the financial burden on the handling of production area melons.

List of Subjects in 7 CFR Part 979

Marketing agreements and orders, Melons, Texas.

PART 979—MELONS GROWN IN SOUTH TEXAS

The first paragraph of § 979.205 (48 FR 1932), *Expenses and assessment rate,* is hereby revised to as follows:

§ 979.205 Expenses and assessment rate.

* * * * *

Expenses of $119,000 by the South Texas Melon Committee are authorized and an assessment rate of $0.01 per carton of melons is established from the date hereof until September 30, 1983.

* * * * *

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

Dated: May 4, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-12391 Filed 5-9-83; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 238

Contracts With Transportation Lines; Cascade Airways, Inc.

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule adds Cascade

Airways, Inc. to the listing of carriers which have entered into agreements with the Service for the preinspection of their passengers and crews at locations outside the United States.

EFFECTIVE DATE: April 29, 1983.

FOR FURTHER INFORMATION CONTACT: Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The Commissioner of the Immigration and Naturalization Service has entered into an agreement with Cascade Airways, Inc. to provide for the preinspection of its passengers and crews as provided by section 238(b) of the Immigration and Naturalization Act, as amended (8 U.S.C. 1228(b)). Preinspection outside the United States facilitates processing passengers and crews upon arrival at a U.S. port of entry and is a convenience to the traveling public.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary because the amendment merely adds an air carrier to the present listing and is editorial in nature.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This order constitutes a notice to the public under 5 U.S.C. 552 and is not a rule within the definition of section 1(a) of E.O. 12291.

List of Subjects in 8 CFR Part 238

Air carriers, Airlines, Aliens, Government contracts, Inspections.

Accordingly, 8 CFR Part 238 is amended as follows:

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 is amended as follows:

1. Add in alphabetical order, "Cascade Airways, Inc.," under "At Calgary".

(Secs. 103, 66 Stat. 173 (8 U.S.C. 1103); 238, 66 Stat. 202 (8 U.S.C. 1228))

Dated: May 5, 1983.

Andrew J. Carmichael, Jr.,

Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 83-12451 Filed 5-9-83; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 379, 385 and 399

[Docket No. 30429-70]

Amendments to the Commodity Control List

AGENCY: Office of Export Administration, International Trade Administration, Commerce.

ACTION: Final rule.

SUMMARY: This rule amends the Export Administration Regulations by inserting material inadvertently omitted and by removing material inadvertently added to the Regulations in past revisions. This rule neither expands nor limits the provisions of the Export Administration Regulations, and only conforms their provisions to previously announced policy.

EFFECTIVE DATE: May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Archie Andrews, Director, Exporters' Service Staff (Telephone: (202) 377–4811).

SUPPLEMENTARY INFORMATION: On December 29, 1982, the **Federal Register** published the Commodity Control List (CCL) in a new paragraph format (47 FR 58122–58194). Two references to commodities controlled for export for reasons of nuclear non-proliferation were inadvertently omitted. Also, another reference to the old CCL format, which included footnotes, was inadvertently retained in the Regulations, and references to special export controls on shipments to South Africa and Namibia were inadvertently added to two entries on the List. Special foreign policy controls regarding Iraq were inadvertently retained on two CCL entries. In addition, typographical errors were made on three of the CCL entries.

On January 25, 1983, the **Federal Register** published a notice announcing the extension of foreign policy export controls (48 FR 3359–3361). Export controls imposed on commodities for use in the 1980 Summer Olympics in Moscow were repealed, but some references to such controls in Parts 371, 379 and 385 were inadvertently retained. In addition, a typographical error was made in reference to a CCL entry for which some export controls were amended.

This rule, which neither expands nor limits the provisions of the export Administration Regulations, makes the following amendments to those Regulations:

1. The references to the Moscow Summer Olympics controls are removed;

2. The reference to the old footnoted CCL format is revised to reflect the new paragraph format;

3. The omitted nuclear non-proliferation references are incorporated into the appropriate Commodity Control List entries;

4. The inapplicable South Africa and Namibia references are removed;

5. References to CCL ECCN 6799G are amended to read "6899G", and a typographical error involving 6899G is corrected;

6. Typographical errors in ECCNs 1362A, 1371A and 1501A are corrected;

7. "Iraq" is removed from the special foreign policy controls in ECCNs 1460A and 5460F. This change conforms these CCL entries with export controls already announced (**Federal Register** of September 15, 1982, pages 40538–40541);

8. An outdated commodity interpretation (removed by **Federal Register** announcement on November 18, 1982, pages 51858–51861) is removed from ECCN 6699G; and

9. A paragraph on special South Africa and Namibia controls that was inadvertently removed is restored to ECCN 6779F.

Rulemaking Requirements

In connection with various rulemaking requirements, the Office of Export Administration has determined that:

1. Under section 13(a) of the Export Administration Act of 1979 (Pub. L. 96–72, 50 U.S.C. app. 2401 *et seq.*) ("the Act"), this rule is exempt from the public participation in rulemaking procedures of the Administrative Procedure Act. This rule does not impose new controls on exports, and is therefore exempt from section 13(b) of the Act, which expresses the intent of Congress that where practicable "regulations imposing controls on exports" be published in proposed form.

2. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

3. This rule is not subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

4. This rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 (46 FR 13193, February 19, 1981), "Federal Regulation."

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis.

List of Subjects

15 CFR Parts 371 and 399

Exports.

15 CFR Part 385

Communist countries, Exports.

PART 371—[AMENDED]

Accordingly, the Export Administration Regulations (15 CFR Parts 368–399) are amended as follows:

§ 371.2 [Amended]

1. Paragraph (c)(13) of § 371.2 is removed.

2. Paragraph (b) of § 371.3 is revised to read as follows:

§ 371.3 General License G-DEST; shipments of commodities to destinations not requiring a validated license.

* * * * *

(b) *Commodity Control List provisions.* If information contained in a particular entry of the Commodity Control List (Supplement No. 1 to § 399.1) modifies or alters any provisions of General License *G-DEST*, the provisions contained in the Commodity Control List shall govern.

§ 379.4 [Amended]

3. Paragraph (g) of § 379.4 is removed and reserved.

§ 385.4 [Amended]

4. In § 385.4, paragraphs (a)(2)(ii)(B) and (a)(5)(viii) are amended by revising the number "6799G" to read "6899G".

5. The following amendments are made to the Commodity Control List (Supplement No. 1 to § 399.1):

A. ECCN 4261B is amended by inserting between the *Processing Code* paragraph and the *Special Licenses Available* paragraph a new paragraph reading as follows:

4261B * * *

Controls for ECCN 4261B

* * * * *

Processing Code: * * *

Reason for Control: Nuclear non-proliferation.

* * * * *

B. In ECCN 1362A, paragraph (b) of the Definitive List of Vibration Test Equipment Controlled by ECCN 1362A is amended by revising the phrase "referenced to 2×10^{-5} N)" to read "(referenced to 2×10^{-5} N/m²)".

C. In ECCN 1371A, paragraph (a)(1) of the Definitive List of Commodities Controlled by ECCN 1371A is amended by revising the phrase "(SAE–5144C)" to read "(SAE–5144OC)".

D. ECCNs 6392F and 6599G are amended by removing the *Special South Africa and Namibia Controls* paragraph.

E. ECCN 1460A is amended by removing the word "Iraq," from the Note (beginning "Nonmilitary aircraft designed to carry up to a maximum of 25 persons, * * * ") following the three numbered paragraphs under the heading *Special Foreign Policy Controls.*

F. ECCN 5460F is amended by removing the word "Iraq," from the Note (beginning "Nonmilitary aircraft designed to carry up to a maximum of 25 persons, * * * ") following the *Special Licenses Available* paragraph.

G. ECCN 1501A is amended by revising the word "report" to read "reexport" in the *Special Foreign Policy Controls* paragraph.

H. The *Reason for Control* paragraph of ECCN 1502A amended by inserting the phrase "nuclear non-proliferation;" between the phrase "National security;" and the phrase "crime control".

I. ECCN 6699G is amended by removing the Commodity Interpretation ("Illustrative List of Chemicals and Materials * * * ").

J. ECCN 6779F is amended by removing the paragraph entitled *Special South Africa and Namibia Controls.*

K. ECCN 6899G is amended by revising the heading to read as follows:

6899G Other rubber and rubber products, n.e.s. Controls for ECCN 6899G:

* * * * *

(Sec. 13 and 15, Pub. L. 96–72, 93 Stat. 503, 50 U.S.C. app. 2401 *et seq.*; E. O. No. 12214 (45 FR 29783, May 6, 1980))

Date: April 28, 1983.

John K. Boidock,

Director, Office of Export Administration, International Trade Administration.

[FR Doc. 83-12466 Filed 5-9-83; 8:45 am]

BILLING CODE 3510-25-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

General Regulations Under the Commodity Exchange Act—Recordkeeping; Revocation of Regulation Which Permitted Exemption to One-Minute Timing of Trades

AGENCY: Commodity Futures Trading Commission.

ACTION: Revocation.

SUMMARY: Before it was amended on December 2, 1980, § 1.35(g) of the Commodity Futures Trading Commission ("Commission") regulations required each contract market to show on its trade register the time of the execution of each futures trade to the nearest minute. On December 12, 1979, the Commission adopted § 1.35a–(T) of its regulations, which provided that if a contract market fulfilled certain conditions, it would be exempt from the then one-minute timing requirement for trades in § 1.35(g). The Commission has since deleted the one-minute timing requirement in favor of 30-minute bracket periods for the timing of trades and, thus, § 1.35a–(T) is no longer necessary.

EFFECTIVE DATE: May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Thomas L. Sweat, Jr., Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, (202) 254–8955.

SUPPLEMENTARY INFORMATION: Section 1.35a–(T) [1] states that a contract market will be exempt from the provisions of § 1.35(g)(1) [2] (one-minute timing) until January 1, 1981, if the contract market divides its trading day into separately identified time periods which are no more than 30 minutes long, if it identifies on its trade register the time period in which each trade is executed, and if it submits such reports as required by the Director or the Deputy Director of the Division of Trading and Markets on the accuracy of this time period information and the use made of this information in the contract market's surveillance of market activity required by the Commodity Exchange Act [3] and § 1.51 of the regulations thereunder.[4] Approximately a year after the Commission adopted § 1.35a–(T), the Commission deleted the one-minute timing requirement in § 1.35(g)(1) [5] and replaced it with a requirement that trades be recorded according to the time period in which they were executed, these time periods being no longer than 30 minutes each. In addition, § 1.35(g)(2), as amended, states that a contract market shall submit to the Commission such reports as requested by the Director of the Division of Trading and Markets concerning the accuracy of any information recorded on the contract market's trade register required by § 1.35(e),[6] which includes the time period in which each trade is executed.

[1] 17 CFR 1.35a–(T), 44 FR 71817 (December 12, 1979).

[2] 17 CFR 1.35(g) (1979).

[3] 7 U.S.C. 1 *et seq.*, (1976 and Supp. V 1981), *as amended by* the Futures Trading Act of 1982, Pub. L. No. 97–444, 96 Stat. 2294 (1983).

[4] 17 CFR 1.51 (1982).

[5] 45 FR 79753 (December 2, 1980).

[6] 17 CFR 1.35(e) (1982).

Section 1.35a–(T) was intended as a temporary regulation and, as a result of the Commission's amendment of § 1.35(g) (1) and (2), it has become obsolete. In consideration of the foregoing and pursuant to the authority in Section 8a(5) of the Commodity Exchange Act, 7 U.S.C. 12a(5) (1976), the Commission hereby revokes 17 CFR 1.35a–(T).

Issued in Washington, D.C. on May 5, 1983, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-12482 Filed 5-9-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510 and 540

Penicillin Antibiotic Drugs for Animal Use; Amoxicillin Trihydrate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A. H. Robins Co., Inc., and biocraft Laboratories, Inc., providing for oral use of amoxicillin trihydrate tablets for treating bacterial dermatitis and soft tissue infections in dogs.

EFFECTIVE DATE: May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., Inc., 1405 Cummings Drive, P.O. Box 28609, Richmond, VA 23261, and Biocraft Laboratories, Inc., 92 Route 46, Elmwood Park, NJ 07407, jointly filed NADA 65–492 providing for oral use of amoxicillin trihydrate tablets (Robamox-V) for treating soft tissue infections (abscesses, wounds, and lacerations) and bacterial dermatitis in dogs.

The firms submitted data from dose-titration, subacute-toxicity, comparative-bioavailability, and clinical studies demonstrating the drug's safety and effectiveness. The NADA is approved, and the regulations are amended to reflect the approval.

Biocraft Laboratories, Inc., has not previously been included in the regulations in the list of sponsors of approved NADA's. The regulations are amended to include this sponsor.

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

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

List of Subjects

21 CFR Part 510

Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 540

Animal drugs, Antibiotics, Penicillin.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 540 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. Part 510 is amended in § 510.600 by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), to read as follows:

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Biocraft Laboratories, Inc., 92 Route 46, Elmwood Park, NJ 07407	000332
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
000332	Biocraft Laboratories, Inc., 92 Route 46, Elmwood Park, NJ 07407
* * * * *	

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

2. Part 540 is amended by adding new § 540.103f, to read as follows:

§ 540.103f Amoxicillin trihydrate tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amoxicillin trihydrate tablets are composed of amoxicillin trihydrate with or without one or more suitable and harmless lubricants, fillers, binder-disintegrants, and buffers. Each tablet contains amoxicillin trihydrate equivalent to 50, 100, 200, or 400 milligrams of amoxicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the amount of amoxicillin that it is represented to contain. The moisture content is not more than 6 percent. Tablets disintegrate within 30 minutes. It passes the identity test. The amoxicillin trihydrate used conforms to the requirements of § 440.3(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of paragraph (c) of this section and § 510.55 of this chapter, and in addition, this drug shall be labeled "amoxicillin tablets."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 514.50 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The amoxicillin trihydrate used in making the batch for potency, safety, moisture, pH, amoxicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, disintegration time, and identity.

(ii) Samples required.

(*a*) The amoxicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 36 tablets.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive:

(i) *Microbiological ugar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Place a representative

number of tablets into a high-speed blender jar containing sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Remove an aliquot and further dilute with solution 3 to the reference concentration of 0.1 microgram of amoxicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Place a representative number of tablets in a high-speed glass blender jar and add sufficient distilled water to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with distilled water to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *Disintegration time.* Proceed as directed in § 436.212 of this chapter, using the procedure described in paragraph (e)(1) of that section.

(4) *Identity.* Proceed as directed in § 436.311 of this chapter, preparing the sample as follows: Using a mortar and pestle, grind a representative number of tablets into a fine powder. Dissolve an accurately weighed amount of this powder in 0.1*N* hydrochloric acid to give a solution containing 4 milligrams of amoxicillin per milliliter.

(c) *Conditions of marketing*—(1) *Specifications.* The drug conforms to the requirements of paragraph (a) of this section.

(2) *Sponsor.* See 000031 or 000332 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Dogs—(a) Dosage:* 5 milligrams per pound of body weight twice a day.

(*b*) *Indications for use:* Treatment of bacterial dermatitis due to *Staphylococcus aureus, Streptococcus* spp., *Staphylococcus* supp., and *E. coli;* and soft tissue infections (abscesses, wounds, lacerations) due to *Staphylococcus aureus, Streptococcus* spp., *E. coli, Proteus mirabilis,* and *Staphylococcus* spp.

(*c*) *Limitations.* Use for 5 to 7 days for 48 hours after all symptoms have subsided. If no improvement is seen in 5 days, review diagnosis and change therapy. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(ii) [Reserved]

Effective date. May 10, 1983.

(Sec. 512 (i) and (n), 82 Stat. 347, 350–351 (21 U.S.C. 360b (i) and (n)))

Dated: May 3, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-12417 Filed 5-9-83; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

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

EFFECTIVE DATE: May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Bureau of Veterinary Medicine (HFV–130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4913.

SUPPLEMENTARY INFORMATION: Growmark, Inc., 1701 Towanda Ave., Bloomington, IL 61701, is sponsor of NADA 133–832 filed in its behalf by the Upjohn Co. The NADA provides for use of a 50-gram-per-pound lincomycin premix in manufacturing a 20-gram-per-pound lincomycin intermediate premix for subsequent incorporation into complete swine feeds. The complete feeds are used for control and/or treatment of swine dysentery as provided in 21 CFR 558.325(f)(2). The basis of approval is discussed in the freedom of information (FOI) summary. The NADA is approved and the regulations are amended to reflect the approval.

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.325 is amended by adding new paragraph (b)(12) to read as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.325 Lincomycin.

* * * * *

(b) * * *

(12) Premix level of 20 grams per pound has been granted to No. 020275 in § 510.600 of this chapter for use in paragraph (f)(2) (i), (ii) and (iii) of this section.

* * * * *

Effective date. May 10, 1983.

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

Dated: May 2, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-12416 Filed 5-9-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 8

[Docket No. R-83-528]

Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Interim rule; correction.

SUMMARY: This document corrects the effective date contained in an interim rule implementing Section 504 of the Rehabilitation Act of 1973, as amended, which was published May 6, 1983 (48 FR 20638). The date listed on the regulation is an erroneous one.

DATES: Effective date: June 15, 1983.

Comments must be received by: August 4, 1983.

ADDRESS: Interested persons are invited to submit comments regarding this rule to the Office of General Counsel, Rules Docket Clerk, Room 10278, Department

of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John Putman, Special Advisor to Deputy Under Secretary for Intergovernmental Relations, Office of Housing, Office of Policy and Budget, Room 10184 at the above address, (202) 755-6732. A telecommunications device for deaf persons (TDD) is available at (202) 426-0016. These are not toll free numbers. This notice will be available on tape for persons with vision impairments in the Office of the Rules Docket Clerk shown above.

Accordingly, the effective date for 24 CFR Part 8, Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development, appearing on 20638 in the issue of May 6, 1983, is corrected to read as follows:

DATES: Effective date: June 15, 1983.

Comments must be received by August 4, 1983.

Dated: May 6, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-12807 Filed 5-9-83; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

24 CFR Part 108

[Docket No. R-83-701]

Compliance Procedures for Affirmative Fair Housing Marketing

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Technical amendment.

SUMMARY: This document amends 24 CFR Part 108 of HUD regulations to include OMB control numbers at the place where current information collection requirements are described.

EFFECTIVE DATE: May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Sally Warner Watts, Regulations Division, Office of the General Counsel, (202) 755-7084. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirement contained in the regulatory section listed below has been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control number listed. The requirement to notify HUD of the owner's intent to begin marketing, contained in § 108.15, is part of the owner's responsiblities in carrying out the Affirmative Fair Housing Marketing Plan, Form HUD-935.2.

Text of the Amendment

Following the text of § 108.15 of Title 24, add the following statement:

(Approved by the Office of Management and Budget under OMB Control Number 2535-0027)

Dated: May 2, 1983.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 83-12444 Filed 5-9-83; 8:45 am]

BILLING CODE 4210-28-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Part 901

Bylaws of the Corporation

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Final rule.

SUMMARY: The document published here in a revision of the Bylaws of the Pennsylvania Avenue Development Corporation ("PADC"). PADC was created by Act of Congress (Pennsylvania Avenue Development Corporation Act of 1972, 40 U.S.C. 871, *et seq.)* as a wholly-owned corporation of the United States Government, with authority to create and amend Bylaws to govern the manner in which it carries out its functions. (40 U.S.C. 875(5)).

The Corporation's Bylaws previously provided that eight voting members of the Board of Directors constitutes a quorum. In the past the Corporation on occasion has had difficulty obtaining a quorum which is necessary to transact the business of the Corporation, although it never has had to adjourn a meeting for want of such a quorum.

EFFECTIVE DATE: January 19, 1983.

FOR FURTHER INFORMATION CONTACT: Jonathan L. Kempner, General Counsel (202) 566-1078 or Mary Schneider Chyun, Attorney (202) 566-1078, Pennsylvania Avenue Development Corporation, 425 13th Street, NW., Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: To enhance the Board of Directors' ability to achieve the necessary quorum, the following two amendments to the Bylaws, both of which are consistent with a reasonable interpretation of the mandates of PADC's enabling statute, have been made:

- Provide that a quorum shall be a majority of voting members serving at the time the meeting is convened. Therefore, if for any reason there are two or three vacancies on the voting Board, a majority of seven would suffice as a quorum (and proportionately less if even more vacancies arose) rather than the eight that are presently required.
- Permit public voting members to designate two officials from their agencies, either of whom may serve on the Board in his/her stead. This would offer some protection from the situation where a Board member's primary alternate becomes unavailable without allowing sufficient time to secure a letter of appointment from the Board member for a new alternate.

The Corporation has determined that, since this document is not a rule and is published in the **Federal Register** and Code of Federal Regulations for information purposes only, it is not a "major rule," and thus does not require a regulatory impact analysis under Executive Order 12291, "Federal Regulations." (46 FR 13193, February 19, 1981). It will not result in any of the effects described in Section 1(b) of the Executive Order. In addition, the Chairman of the Corporation's Board of Directors has determined, and hereby certifies, that this document will not have a significant economic impact on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96-354, September 19, 1980, 5 U.S.C. 603, 604 and 605).

List of Subjects in 36 CFR Part 901

Bylaws.

For the reasons set out in the preamble, Part 901, Chapter IX of Title 36, Code of Federal Regulations, is amended as set forth below.

PART 901—BYLAWS OF THE CORPORATION

36 CFR Part 901 is amended by removing the present language of §§ 901.3(d) and 901.3(e), and inserting in lieu thereof the following language:

§ 901.3 [Amended]

* * * * *

(d) *Quorum.* The presence of a majority of the number of voting Directors serving at the time of a

meeting of the Board shall constitute a quorum for the transaction of business at such meeting of the Board. The act of a majority of the voting Directors at any meeting at which there is a quorum shall be an act of the Board of Directors. If there shall be less than a quorum at any meeting, a majority of the voting Directors present may adjourn the meeting until such time as a quorum can practically and reasonably be obtained.

(e) *Directors Serving in Stead.* Each member of the Board of Directors specified in paragraphs (1) through (7) of subsection 3(c) of the Act, if unable to serve in person, may designate up to two officials from his agency or department to serve on the Board in his stead. Such designation shall be effected by a letter of appointment, from the Director specified in the Act, received by the Chairman prior to or at a meeting of the Board of Directors. If two officials are so designated, then the Director specified in the Act shall identify one as the First Designee and the other as the Second Designee. The Second Designee may only serve as Director if the First Designee is not in attendance at a meeting of the Board of Directors. An official designated to serve in stead shall serve as the voting Director of the represented agency until the Chairman receives written notice from the Director specified in the Act, or his successor, that the designation is rescinded.

Dated: April 23, 1983.

Henry A. Berliner, Jr.,

Chairman.

[FR Doc. 83-12533 Filed 5-9-83; 8:45 am]

BILLING CODE 7630-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

41 CFR Part 3-3

Selection of Offerors for Negotiation and Award

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: The Office of the Secretary, Department of Health and Human Services is amending its procurement regulations by revising an existing subpart on the selection of offerors for negotiation and award. The regulations clarify and simplify the source selection process and will result in reduced administrative burden. This revision is also consistent with Executive Order 12352 of March 17, 1982 on Federal Procurement Reforms.

EFFECTIVE DATE: May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Norman Audi, Division of Procurement Policy, (202-245-6154).

SUPPLEMENTARY INFORMATION: On January 14, 1983, the proposed rule on the selection of offerors for negotiation and award was published in the **Federal Register** (48 FR 1774) and invited public comments by February 14, 1983. As a result, three responses were received—one from a nonprofit organization, another from an educational association, and the third from an agency within the Department.

The agency within the Department suggested that we expand § 3-3.5107-6(b) to provide a more detailed explanation of the peer review requirements. We concur and have revised the section accordingly.

The nonprofit organization was concerned with the usage of average ratings as stated in § 3-3.5108-4. They did not believe that the use of an average score would adequately reflect disparities of scores between individual evaluators. Further, they believed that raw scoring allows evaluators to see the picture more accurately. Their rationale included using passing scores and comparing the average rating and total points to the passing scores. We do not agree with the comments. Passing scores or predetermined cutoff scores are prohibited and are not to be employed (§ 3-3.5108-4). Further, § 3-3.5108-5 requires that a copy of each rating sheet be included in the technical evaluation report. Therefore the disparities between individual evaluators are not lost when the technical evaluation panel collectively ranks the proposals. Finally, we do not limit rating and ranking to the method set forth in § 3-3.5108-4. The method we include is the one which is generally used; however, the original rating plan may employ a different method.

The educational association was concerned that subparagraph (b) of § 3-3.5110 of the existing regulation had been deleted. This subparagraph emphasized the importance of scientific competence in the selection of a contractor to perform a research and development contract. We concur and have revised § 3-3.5515, Source selection decision, to include part of the language in the former regulation and to add additional language which the association recommended.

This rule will not have any significant economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96-3545, U.S.C. 601, et. seq.)

List of Subjects in 41 CFR Part 3-3

Government procurement.

This is not a major rule as defined by Executive Order 12291 of February 17, 1981.

The provisions of this amendment are issued under 5 U.S.C. 301, 40 U.S.C. 486(c).

Title 41 CFR Chapter 3 is amended as set forth below.

Dated: May 3, 1983.

Henry G. Kirschenmann, Jr.,

Deputy Assistant Secretary for Procurement, Assistance, and Logistics.

Under Part 3-3, it is proposed to revise Subpart 3-3.51 to read as follows:

PART 3-3—PROCUREMENT BY NEGOTIATION

* * * * *

Subpart 3-3.51—Selection of Offerors for Negotiation and Award

Sec.

3-3.5100 Scope of subpart.
3-3.5101 Definitions.
3-3.5102 Applicability.
3-3.5103 Integrity of the source selection process.
3-3.5104 Technical evaluation plan.
3-3.5105 Changes in Government requirements.
3-3.5106 Standard for evaluation of proposals.
3-3.5107 Technical evaluation panel.
3-3.5107-1 General.
3-3.5107-2 Role of the project officer.
3-3.5107-3 Role of the contracting officer.
3-3.5107-4 Conflicts of interest.
3-3.5107-5 Continuity of evaluation process.
3-3.5107-6 Use of outside evaluators.
3-3.5108 Evaluation of technical proposals.
3-3.5108-1 Receipt of proposals.
3-3.5108-2 Convening the technical evaluation panel.
3-3.5108-3 Clarifications.
3-3.5108-4 Rating and ranking of proposals.
3-3.5108-5 Technical evaluation report.
3-3.5109 Evaluation of business proposals.
3-3.5110 Competitive range.
3-3.5111 Preparation for discussions.
3-3.5112 Written or oral discussions.
3-3.5113 Request for best and final offers.
3-3.5114 Evaluation of best and final offers.
3-3.5115 Source selection decision.
3-3.5116 Negotiation with the selected source.
3-3.5117 Post negotiation, contract preparation, and award.
3-3.5118 Notification and debriefing of unsuccessful offerors.
3-3.5119 Post-award orientation of contractors.

* * * * *

§ 3-3.5100 Scope of subpart.

This subpart establishes policies and procedures concerning the source selection process for the procurement of personal property and nonpersonal

services. It elaborates on the guidance provided in § 1–3.805.

§ 3–3.5101 Definitions.

(a) "Clarification," as used in this subpart, means communication with an offeror for the sole purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the offeror's proposal. It is achieved by explanation or substantiation, either in response to contracting officer inquiry or as initiated by the offeror. Unlike discussion, clarification does not give the offeror an opportunity to revise or modify its proposal.

(b) "Deficiency," as used in this subpart, means any part of a proposal that fails to satisfy the requirements of the Department.

(c) "Discussion," as used in this subpart, means any oral or written communication between the contracting officer and an offeror that involves information essential for determining the acceptability of a proposal as submitted or provides the offeror an opportunity to revise or modify its proposal.

§ 3–3.5102 Applicability.

This subpart applies to all competitively negotiated procurements in excess of $10,000 except for:

(a) Architect-engineer services (see §§ 1–4.10 and 3–4.10); and

(b) Contracts to be awarded to the Small Business Administration pursuant to section 8(a) of the Small Business Act (see §§ 1–7.713 and 3–1.713).

§ 3–3.5103 Integrity of the source selection process.

(a) The source selection process shall be conducted in accordance with standards and procedures that:

(1) Insure fair and impartial treatment of all offerors; and

(2) Insure the selection of sources whose performance is expected to best meet the requirements or objectives of the request for proposals at a reasonable price or cost.

(b) Personnel participating in the evaluation process must not discuss or reveal information concerning the evaluations except to an individual participating in the same evaluation proceedings, and then only to the extent that the information is required in connection with the proceedings. Divulging information during the evaluation, selection, and negotiation phases of the procurement to offerors or to personnel not having a need to know could jeopardize the resultant award. Therefore, the contracting officer must instruct personnel participating in the evaluations to observe these restrictions and assure that all personnel understand that unauthorized disclosure of information, no matter how innocent, could compromise the procurement process and is prohibited (see § 1–3.805–1(b)).

(c) Discussions with offerors relative to any aspect of the procurement shall be conducted only by the contracting officer or his/her authorized representative within the contracting office.

§ 3–3.5104 Technical evaluation plan.

(a) A technical evaluation plan may be required by the contracting officer, at his/her discretion, when a procurement is sufficiently complex as to warrant a formal plan.

(b) The technical evaluation plan should include at least the following:

(1) A list of technical evaluation panel members, their organizations as well as a list of their major consulting clients (if applicable), their qualifications, and curricula vitae (if available);

(2) A justification for using non-Government technical evaluation panel members (Justification is not required if non-Government evaluators will be used in accordance with standard procuring activity procedures or policies);

(3) A statement that there is no apparent or actual conflict of interest regarding any panel member;

(4) A copy of each rating sheet, approved by the contracting officer, to be used to assure consistency with the evaluation criteria; and

(5) A brief description of the general evaluation approach.

(c) The technical evaluation plan must be signed by an official within the program office in a position at least one level above the project officer or in accordance with procuring activity procedures.

(d) The technical evaluation plan should be submitted to the contracting officer for review and approval before the solicitation is issued. The contracting officer shall make sure that the principal factors relating to the evaluation are reflected in the evaluation criteria when conducting the review of the plan.

§ 3–3.5105 Changes in Government requirements.

(a) When, either before or after receipt of proposals, the Government changes, relaxes, increases, or otherwise modifies its requirements, the contracting officer shall issue a written amendment to the solicitation. However, when time is of the essence, oral advice of changes may be given if the changes involved are not complex and all firms to be notified (see paragraph (b), below) are notified as near to the same time as possible. The contracting officer shall make a record of the oral advice and promptly confirm the oral advice by a written amendment to the solicitation.

(b) In deciding which firms to notify of a change, the contracting officer shall consider the stage in the procurement cycle at which the change occurs and the magnitude of the change, as follows:

(1) If proposals are not yet due, the amendment shall be sent to all firms that have received a solicitation.

(2) If the time for receipt of proposals has passed but proposals have not yet been evaluated, the amendment shall be sent only to the responding offerors.

(3) If the competitive range has been established, only those offerors within the competitive range shall be sent the amendment.

(4) If a change is so substantial that it warrants complete revision of a solicitation, the contracting officer shall cancel the original solicitation and issue a new one, regardless of the stage of the procurement. The new solicitation shall be synopsized and issued to all firms originally solicited as well as to any firms added to the original list.

(c) If the proposal considered to be most advantageous to the Government involves a departure from the stated requirements, the contracting officer shall provide all offerors an opportunity to submit new or amended proposals on the basis of the revised requirements; *provided*, that this can be done without revealing to the other offerors the solution proposed in the original departure or any other information that is entitled to protection.

(d) The decision to issue an amendment, or cancel and reissue a solicitation, is the responsibility of the contracting officer.

§ 3–3.5106 Standard for evaluation of proposals.

The evaluation criteria included in the solicitation serve as the standard against which all proposals are evaluated. Prospective offerors rely upon the evaluation criteria in the solicitation in developing proposals and they must be assured that the evaluation is conducted in accordance with those criteria. All personnel involved in the evaluation process must make sure that the evaluation criteria contained in the solicitation are the *only* criteria used in conducting the evaluation. See §§ 3–3.5503(f) and 3–3.5511 for detailed guidance on evaluation criteria.

§ 3-3.5107 Technical evaluation panel.

§ 3-3.5107-1 General.

(a) A technical evaluation panel is required for all procurements applicable to this subpart which are expected to exceed $250,000. The contracting officer, at his/her discretion, may require a technical evaluation panel for procurements not exceeding $250,000 based on the complexity of the procurement.

(b) The technical evaluation process requires careful and deliberate consideration as to the size, composition, expertise, and function of the technical evaluation panel (see § 3-3.5005(b)(14)). The efforts of the panel can result in success or failure of the procurement.

§ 3-3.5107-2 Role of the project officer.

(a) The project officer is the contracting officer's technical representative for the procurement action. The project officer may be a voting member of the technical evaluation panel and may also serve as the chairperson of the panel unless he/she is prohibited by law or procuring activity procedures from serving on the panel.

(b) The project officer is responsible for recommending panel members who are knowledgeable of the technical aspects of the procurement and who are competent to identify strengths and weaknesses of the various proposals. The program training requirements specified in § 3-1.454 must be adhered to when selecting prospective panel members.

(c) The project officer should make efforts to ensure that persons possessing expertise and experience in addressing issues relative to sex, race, national origin, and handicapped discrimination be included as panel members in procurements which address those issues. The intent is to balance the composition of the panel so that qualified and concerned individuals may provide insight to other panel members regarding ideas and approaches to be taken in the evaluation of proposals.

(d) The project officer is to submit the recommended list of panel members to an official within the program office in a position at least one level above the project officer or in accordance with procuring activity procedures. This official will review the recommendations, appoint the panel members and select the chairperson.

(e) It is the responsibility of the project officer to arrange for adequate and secure working space for the panel.

§ 3-3.5107-3 Role of the contracting officer.

(a) The contracting officer is the Department's official representative having delegated procurement authority to enter into and administer contracts. The term "contracting officer," as used in this subpart, may be the contracting officer or his/her designated representative within the contracting office.

(b) The contracting officer shall not serve as a member of the technical evaluation panel but should be available to:

(1) Address the initial meeting of the technical evaluation panel (see § 3-3.5108-2);

(2) Provide assistance to the evaluators as required; and

(3) Assure that the scores adequately reflect the written technical evaluation report comments (see § 3-3.5108-5).

§ 3-3.5107-4 Conflicts of interest.

(a) If a panel member has an apparent or real conflict of interest related to a proposal under evaluation, he/she shall not serve on the technical evaluation panel and shall be replaced with another evaluator. If a suitable replacement is not available, the panel shall perform the review with one less evaluator.

(b) For the purpose of this subpart, conflicts of interest are defined in the Department's Standards of Conduct set forth in 45 CFR Part 73 which incorporates 5 CFR Part 737, Post Employment Conflict of Interest. The Standards of Conduct shall be applicable to both in-house personnel and outside evaluators serving on the technical evaluation panel.

§ 3-3.5107-5 Continuity of evaluation process.

(a) The technical evaluation panel is responsible for evaluating the original proposals, making recommendations to the chairperson regarding clarifications and deficiencies of proposals, and, if required by the contracting officer, assisting the contracting officer during discussions and negotiations, and reviewing supplemental, revised and/or "best and final" offers. To the extent possible, the same evaluators should be available throughout the entire evaluation and selection process to assure continuity and consistency in the treatment of proposals. However, the following are some examples of circumstances when it would not be necessary for the technical evaluation panel to evaluate any revised proposals submitted during the procurement:

(1) The answers to the questions do not have a substantial impact on the proposal (see 3-3.5111(a));

(2) The "best and final" offers are not materially different from the original proposals; or

(3) The rankings of the offerors are not affected because the revisions to the proposals are relatively minor.

(b) The chairperson, with the concurrence of the contracting officer, may decide not to have the panel evaluate the revised proposals. Whenever this decision is made, it must be fully documented by the chairperson and approved by the contracting officer.

(c) When technical evaluation panel meetings are considered necessary by the contracting officer, the attendance of evaluators is mandatory. When the chairperson determines that an evaluator's failure to attend the meetings is prejudicial to the evaluation, the chairperson may replace the individual after discussing the situation with the contracting officer and obtaining his/her concurrence and the approval of the program official responsible for appointing the panel members (see § 3-3.5107-2(d)).

(d) Whenever continuity of the evaluation process is not possible, and either new evaluators are selected or a reduced panel is decided upon, each proposal which is being reviewed at any stage of the procurement should be reviewed at that stage by all members of the revised panel unless it is impractical to do so because of the receipt of an unusually large number of proposals.

§ 3-3.5107-6 Use of outside evaluators.

(a) The technical evaluation panel shall be composed of Government employees except that outside evaluators may be used when expertise is required which is not available within the Government, or as required by law (see § 3-1.353(f)).

(b) The National Institutes of Health (NIH) and the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) are required to have a peer review of research and development contracts in accordance with Public Law (Pub. L.) 93-352 as amended by Pub. L. 94-63; 42 U.S.C. 289 *l*-4. This legislation requires peer review of projects and proposals, and not more than one-fourth of the members of a peer review group may be officers or employees of the United States. NIH and ADAMHA are therefore exempt from the provisions of § 3-3.5107 to the extent that 42 U.S.C. 289 *l*-4 applies.

§ 3-3.5108 Evaluation of technical proposals.

§ 3-3.5108-1 Receipt of proposals.

(a) After the closing date set by the solicitation for the receipt of proposals, the contracting officer will forward the technical proposals to the project officer or chairperson for evaluation by means of a transmittal memorandum. The business proposals will be retained by the contracting officer for evaluation (see § 3-3.5109).

(b) The transmittal memorandum to the chairperson should include at least the following:

(1) A list, by name, of the organizations submitting proposals;

(2) A reference to § 3-3.5103 on the need to preserve the integrity of the source selection process;

(3) A requirement for a technical evaluation report in accordance with § 3-3.5108-5; and

(4) The establishment of a date for receipt of the technical evaluation report.

§ 3-3.5108-2 Convening the technical evaluation panel.

(a) Normally the technical evaluation panel will convene to evaluate the proposals. However, there may be situations when the contracting officer determines it is not feasible or practicable for the panel to convene. Whenever this decision is made, care must be taken to assure that the technical review is closely monitored to produce acceptable results. The procedures for handling and disclosing proposals outside the Government for evaluation purposes is set forth in § 3-1.353(e).

(b) When a panel is convened, the chairperson is responsible for the control of the technical proposals provided to him/her by the contracting officer for use during the evaluation process. The chairperson will generally distribute the technical proposals at the initial panel meeting and will establish procedures for securing the proposals whenever they are not being evaluated to insure the confidentiality of the proposals. After the evaluation is complete, all proposals must be accounted for by returning to the contracting officer, destruction, or filing in an appropriate manner to maintain the confidential nature of the data.

(c) The contracting officer should address the initial meeting of the panel and state the basic groundrules for conducting the evaluation. The contracting officer shall provide written guidance to the panel if he/she is unable to attend the initial panel meeting. The guidance should include:

(1) Explanation of conflicts of interest (see § 3-3.5107-4);

(2) The necessity to re-read and understand the solicitation especially the statement of work and evaluation criteria, prior to reading the proposals;

(3) The need for evaluators to restrict the review to only the solicitation and the contents of the technical proposals;

(4) The need for each evaluator to review all the proposals;

(5) The need to watch for ambiguities, inconsistencies, errors, and deficiencies which should be surfaced during the evaluation process;

(6) An explanation of the evaluation process and what will be expected of the evaluators throughout the process;

(7) The need for the evaluators to be aware of the requirement to have complete written documentation of the individual strengths and weaknesses which affect the scoring of the proposals; and

(8) An instruction directing the evaluators that, until the award is made, information concerning the procurement must not be disclosed to any person not directly involved in the evaluation process.

§ 3-3.5108-3 Clarifications.

Normally, clarifications of proposals can be made when discussions are conducted with all offerors in the competitive range. However, there are instances when the contracting officer may find it necessary to make inquiry of an offeror for the sole purpose of eliminating minor irregularities, informalities, or apparent clerical mistakes in the proposal. The contracting officer shall assure that the clarifications are in writing. Such inquiry of and clarification furnished in writing by such offeror shall not be considered to constitute "discussions" within the meaning of § 3-3.5101(c) and shall not necessitate any inquiry of other offerors. However, if clarification results in an offeror revising its proposal or would in any way prejudice the interest of other offerors, the information should be returned to the offeror without being evaluated or discussions should be conducted with all offerors which have not been eliminated from the competition.

§ 3-3.5108-4 Rating and ranking of proposals.

The evaluators will individually read each proposal and describe tentative strengths, weaknesses and develop preliminary scores in relation to each evaluation criterion set forth in the solicitation. The evaluators will use the rating sheets either in the technical evaluation plan or approved by the contracting officer when a technical evaluation plan is not required. (See § 3-3.5104(b). After this has been accomplished, the evaluators should discuss in detail the individual strengths and weaknesses described by each evaluator and, if possible, arrive at a common understanding of the major strengths and weaknesses and the potential for correcting each offeror's weakness(es). Each evaluator will individually rate (score) each proposal, and then the technical evaluation panel will collectively rank the proposals. Generally, but depending on the rating plan employed, ranking will be accomplished by totaling the numerical scores assigned by each evaluator to the evaluation criteria and developing an average rating for each offeror. The evaluators should then identify each proposal as either acceptable or unacceptable. Predetermined cutoff scores shall not be employed.

§ 3-3.5108-5 Technical evaluation report.

A technical evaluation report shall be prepared and furnished to the contracting officer by the chairperson and maintained as a permanent record in the contract file. The report must reflect the ranking of the proposals and identify each proposal as acceptable or unacceptable in accordance with § 3-3.5108-4. The report must also include a narrative evaluation specifying the strengths and weaknesses of each proposal, a copy of each rating sheet, and any reservations, qualifications, or areas to be addressed that might bear upon the selection of sources for negotiation and award. Concrete technical reasons supporting a determination of unacceptability with regard to any proposal must be included. The report should also include specific points and questions which are to be raised in discussions or negotiations.

§ 3-3.5109 Evaluation of business proposals.

(a) Concurrently with the evaluation of the technical proposals, the contracting officer shall begin the evaluation of the business proposals. The contracting officer must adhere to the requirements for cost or price analysis included in §§ 1-3.807 and 3-3.807.2 for each business proposal in the competitive range. An audit report may be required in accordance with §§ 1-3.809 and 3-3.809. The contracting officer must exercise judgment in determining the extent of analysis in each case depending on the amount of the proposal, the technical complexity and related cost or price, and cost

realism. The contracting officer should request the project officer to analyze such items as: the number of labor hours proposed for various labor categories; the mix of labor hours and categories of labor in relation to the technical requirements of the project; the kinds and quantities of material, equipment, and supplies; types, numbers, and hours/days of proposed consultants; logic of proposed subcontracting; analysis of the travel proposed including number of trips, locations, purpose, and travelers; and kinds and quantities of data processing. The project officer shall provide his/her opinion as to whether these elements are necessary and reasonable for efficient contract performance. Exceptions to proposed elements shall be supported by adequate rationale to allow for effective negotiations. The contracting officer should also request the assistance of a cost/price analyst when considered necessary. In all cases, the negotiation memorandum (see § 3-50.3) must include the rationale used in determining that the price or cost is fair and reasonable.

(b) The contracting officer must appraise the management capability of the offeror to perform the required work in a timely manner. In making this appraisal, the contracting officer should consider factors such as the offeror's management organization, past performance, reputation for reliability, availability of the required facilities, and cost controls. This information is to be used by the contracting officer to determine the offeror's responsibility.

§ 3-3.5110 Competitive range.

(a) The contracting officer shall determine which proposals are in the competitive range for the purpose of conducting written or oral discussions. The competitive range shall be determined on the basis of price or cost, technical and other salient factors that were stated in the solicitation and shall include all proposals which have a reasonable chance of being selected for award. A proposal must be included in the competitive range unless there is no real possibility that it can be improved to the point where it becomes the *most* acceptable. When there is a reasonable doubt as to whether a proposal should be included in the competitive range, the proposal shall be included.

(b) In certain circumstances, when deciding which proposals should be included in the competitive range, the contracting officer may request that the technical evaluation panel review the cost or price data. Typical situations which may necessitate this review include a suspected "buy-in," large differences in cost or price among the proposals, proposals receiving high technical ratings which have relatively high costs, and proposals receiving low technical ratings which have relatively low costs. The resultant comparison of cost or price to technical factors and the determination of cost or price realism should assist the contracting officer in deciding which proposals are to be included in the competitive range.

(c) All determinations regarding the inclusion or exclusion of proposals in the competitive range must be completely documented, including the salient reasons for the determinations, and set forth in the negotiation memorandum (see § 3-50.301(i)).

(d) Some of the factors which the contracting officer should consider in determining the competitive range are:

(1) The relative importance of cost or price as compared to technical factors in accordance with the solicitation provisions required in § 3-3.5511-4(c).

(2) The susceptibility of significantly reducing a proposal with an unreasonably high price or cost without undermining the technical merit if the offeror otherwise has a reasonable chance to receive an award; and

(3) The likelihood of reducing cost or price of a proposal which exceeds the Government's requirements.

(e) The contracting officer shall conduct a thorough review of the technical evaluation report to be assured that:

(1) All determinations of unacceptability are supported by concrete and comprehensive statements that are factual and convincing and are consistent with the evaluation criteria set forth in the solicitation. Every statement should be reviewed carefully to eliminate any doubts as to the unacceptability of a proposal;

(2) All recommendations to exclude proposals from the competitive range are supported by persuasive rationale and sufficient facts to substantiate a judgment that meaningful discussions are not possible or there is no reasonable chance of the proposal being selected for award;

(3) Those cases where only one organization is found to be technically acceptable are fully scrutinized; and

(4) Unacceptable proposals contain "information" deficiencies which are so material as to preclude any possibility of upgrading the proposal to a competitive level except through major revisions and additions which would be tantamount to the submission of another proposal.

§ 3-3.5111 Preparation for discussions.

(a) The contracting officer and project officer should discuss the uncertainties and/or deficiencies that are included in the technical evaluation report for each proposal in the competitive range. Technical questions should be developed by the project officer and/or the technical evaluation panel and should be included in the technical evaluation report. The management and cost or price questions should be prepared by the contracting officer with assistance from the project officer and/or panel as required. The method of requesting offerors in the competitive range to submit the additional information will vary depending on the complexity of the questions, the extent of additional information requested, the time needed to analyze the responses, and the time frame for making the award. However, to the extent practicable, all questions and answers should be in writing. Each offeror in the competitive range shall be given an equitable period of time for preparation of responses to questions to the extent practicable.

(b) The questions should be developed so as to disclose the ambiguities, uncertainties, and deficiencies of the offeror (see § 3-3.5112(b)(2)).

§ 3-3.5112 Written or oral discussions.

(a) The contracting officer, with the support of personnel who evaluated the technical proposals, and, if necessary, cost analysts, attorneys, etc., must conduct written or oral discussions with all offerors within the competitive range, except that this requirement need not apply to the exceptions in § 1-3.805-1(a). The content and extent of the discussions is a matter of the contracting officer's judgment, based on the particular facts of each procurement.

(b) The contracting officer shall:

(1) Control all discussions;

(2) Advise the offeror of deficiencies in its proposal so that the offeror is given an opportunity to satisfy fully the Government's requirements;

(3) Attempt to resolve any uncertainties concerning the technical proposal and other terms and conditions of the proposal;

(4) Resolve any suspected mistakes by calling them to the offeror's attention as specifically as possible without disclosing information concerning other offerors' proposals or the evaluation process; and

(5) Provide the offeror a reasonable opportunity to submit any cost or price, technical, or other revisions to its proposal that may result from the discussions.

(c) The contracting officer and other Government personnel shall not engage in the following:

(1) Technical leveling (i.e., helping any offeror to bring its proposal up to the level of other proposals through successive rounds of discussion by pointing out weaknesses resulting from the offeror's lack of diligence, competence, or inventiveness in preparing the proposal);

(2) Technical transfusion (i.e., Government disclosure of technical information pertaining to a proposal that results in improvement of a competing proposal); or

(3) Auction techniques, such as the following:

(i) Indicating to an offeror a price that it must meet to obtain further consideration;

(ii) Advising an offeror of its price standing relative to another offeror (however, it is permissible to inform an offeror that its price is considered by the Government to be too high or too low); and

(iii) Otherwise furnishing information about other offerors' prices.

(d) Careful judgment must be exercised in determining the extent of discussions. In some cases, more than one round of discussions with all the offerors within the competitive range may be required. The time available, the expense and administrative limitations, and the complexity, size, and significance of the procurement should all be considered in deciding on the type, duration, and depth of the discussions.

§ 3-3.5113 Request for best and final offers.

At the conclusion of discussions with all offerors in the competitive range a final, common cutoff date, which allows a reasonable opportunity for submission of written "best and final" offers must be established and all offerors in the competitive range so notified. If oral notification is given, it must be confirmed in writing. The written notification must include the following information:

(a) Discussions have been concluded;

(b) Offerors are being given an opportunity to submit a "best and final" offer;

(c) The offer is subject to both the "Late Proposals, Modifications of Proposals, and Withdrawals of Proposals" provision of the solicitation, and the requirements of § 1-3.805-1(b);

(d) Any "best and final" offers received after the time and date established for receipt of offers shall be handled in accordance with §§ 1-3.802-1 and 1-3.802-2, as applicable;

(e) The confirmation of a prior offer should be specifically stated as a final offer; and

(f) All revisions to former offers should be submitted on Optional Form 59, Contract Pricing Proposal, or Optional Form 60, Contract Pricing Proposal (Research and Development), as applicable, and should be fully documented.

§ 3-3.5114 Evaluation of best and final offers.

"Best and final" offers are subject to a final evaluation of price or cost and other salient factors by the contracting officer and project officer with assistance from a cost/price analyst, and an evaluation of technical factors by the technical evaluation panel, as necessary. Proposals may be technically rescored and reranked by the technical evaluation panel and a technical evaluation report prepared. To the extent practicable, the evaluation shall be performed by the same evaluators who reviewed the original proposals.

§ 3-3.5515 Source selection decision.

(a) After the close of discussions and evaluation of "best and final" offers, the contracting officer will select for award the offeror whose proposal offers the greatest advantage to the Government, price and other factors considered and/or in accordance with the evaluation criteria set forth in the solicitation.

(b) Of particular importance in the award of research or development contracts, including those with educational institutions, is the competence of key personnel in the specific field of science or technology involved, as reflected in the proposal. However, awards should be made for research and development capabilities that exceed those needed for the successful performance of the particular project.

§ 3-3.5116 Negotiation with the selected source.

(a) After selection of the successful proposal, a limited negotiation with the selected offeror may be conducted if deemed necessary. However, no factor which could have any effect on the selection process may be introduced into the negotiation after the common cutoff date for receipt of best and final offers. The negotiation shall not in any way prejudice the competitive interests or right of the unsuccessful offerors. Negotiaton with the selected offeror shall be restricted to definitizing the final agreement on terms and conditions; e.g., assuming none of these factors were involved in the selection process, negotiation could include such topics as payment provisions, patent rights, rights in data, property provisions, labor rates, indirect cost rates, and fees. Prior to conducting the limited negotiation, the contracting officer shall approve a written determination citing both the specific issues to be discussed and the rationale showing that the negotiations shall not have any effect on the selection process.

(b) Caution must be exercised by the contracting officer to insure that the negotiation is not used to change the requirement contained in the solicitation, nor to make any other changes which would impact on the source selection decision. Whenever a material change occurs in the requirements as a result of the negotiation, the competition must be reopened and all offerors submitting "best and final" offers must be given an opportunity to resubmit proposals based on the revised requirements. Whenever there is a question as to whether a change is material, the contracting officer should obtain the advice of technical personnel and legal counsel before reopening the competition. Significant changes in the offeror's cost proposal may also necessitate a reopening of competition if such changes alter the factors involved in the original selection process.

(c) Should negotiations beyond those specified in (a) above be required for any reason, discussions must be reopened with all offerors submitting "best and final" offers.

(d) Upon completion of the negotiation, the contracting officer should obtain a confirmation letter from the successful offeror which includes any revisions to the technical proposal, the agreed to price or cost, and, as applicable, a certificate of current cost or pricing data.

§ 3-3.5117 Post negotiation, contract preparation, and award.

(a) The contracting officer must perform the following actions after negotiations have been completed:

(1) Prepare the negotiation memorandum in accordance with Subpart 3-50.3;

(2) Prepare the contract containing all agreed to terms and conditions and clauses required by law or regulation;

(3) Include in the contract file the pertinent documents referenced in § 3-1.313-51; and

(4) Obtain the appropriate approval of proposed contract awards in accordance with Subpart 3-50.1 and procuring activity procedures.

(b) After receiving the required approvals, the contract should be

transmitted to the prospective contractor for signature. The prospective contractor must be informed that the contract is not effective until accepted by the contracting officer.

(c) The contract shall not be issued until the finance office certifies that the funds are available for obligation.

§ 3-3.5118 Notification and debriefing of unsuccessful offerors.

Unsuccessful offerors will be notified, and debriefed at their request, in accordance with §3-3.103.

§ 3-3.5119 Post-award orientation of contractors.

FPR Subpart 1-1.18 prescribes policies and procedures regarding the postaward orientation of contractors. To the extent practicable, contracting officers should utilize letters to accomplish postaward orientation objectives (see § 1-1.1806). A postaward orientation conference should be arranged only when letters cannot resolve key issues.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6518]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 3429, Bethesda, Maryland 20034, Phone: (800) 638-6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287-0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new constuction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A-95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
North Dakota				
Traill	Garfield, township of	380669-New	April 5, 1983, emergency	
Richland	Liberty Grove, township of	380665	....do	
Bottineau	Newborg, township of	380668-New	....do	
Traill	Norman, township of	380670-New	....do	
Colorado: Weld	Erie, town of	080181	July 22, 1975, emergency; Oct. 17, 1978, regular; Jan. 17, 1979, suspended; April 5, 1983, reinstated.	June 28, 1974 and Nov. 28, 1975.
Minnesota: Aitkin	Unincorporated areas	270628B	Apr. 23, 1974, emergency; Mar. 15, 1982, regular; Mar 15, 1982, suspended; Apr. 6, 1983, reinstated.	Dec. 30, 1977.
Idaho: Teton	....do	160230A	Apr. 8, 1983, emergency	Sept. 13, 1977.
Maine: Washington	East Machias, town of	230313	Apr. 8, 1983, emergency	Feb. 11, 1977.
Michigan: Kent	Cannon, township of	260734-New	....do	
Texas: Donley	Clarendon, city of	481584-New	....do	
Washington: Skamania	North Bonneville, city of	530256	....do	Nov. 19, 1976.
Georgia: Fulton	Mountain Park, city of	130315B	Apr. 7, 1983, emergency, Apr. 7, 1983, regular	Jan. 13, 1978 and Feb. 16, 1983.
California: San Joaquin	Manteca, city of	060706-New	Apr. 6, 1983, emergency	
North Dakota: Richland	Summit, township of	380671-New	Apr. 15, 1983, emergency	
Texas: Galveston	Tiki Island, village of	481585-New	....do	
Louisiana: Morehouse Parish	Unincorporated areas	220367A	Apr. 14, 1983, emergency	Aug. 5, 1978.
Wyoming: Converse	....do	560082A	Apr. 22, 1983, emergency	Feb. 21, 1978.
Wisconsin:				
Walworth	East Troy, village of	550464C	Dec. 21, 1982, emergency; Dec. 1, 1982, regular; Dec. 1, 1982, suspended; Apr. 19, 1983, reinstated.	May 24, 1975, May 14, 1976 and Nov. 10, 1978.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Ozaukee	Port Washington, city of	550316B	June 30, 1975, emergency; Oct. 15, 1981, regular; Aug. 17, 1982, suspended; Apr. 19, 1983, reinstated.	May 31, 1974 and Oct. 15, 1981.
Minnesota:				
Wabasha	Zumbro Falls, city of	270491B	Nov. 21, 1974, emergency; Nov. 4, 1981, regular; Nov. 4, 1981, suspended; Apr. 22, 1983, reinstated.	Aug. 16, 1974 and Mar. 19, 1976.
Norman	Ada, city of	270323B	Apr. 30, 1974, emergency; Aug. 2, 1982, regular; Aug. 2, 1982, suspended; Apr. 18, 1983, reinstated.	May 10, 1974 and June 11, 1976.
Ohio:				
Licking	Buckeye Lake, village of	390862-New	Apr. 26, 1983, emergency	
Gallia	Crown City, village of	390187	do	Jan. 10, 1975.
Greene	Jamestown, village of	390861	do	
Washington: Pierce	Bonney Lake, city of	530274A	Oct. 14, 1982, emergency; Apr. 26, 1983, regular.	May 1, 1980
Pennsylvania: York	West Manheim, township of	422234B	Mar. 9, 1979, emergency; Mar. 16, 1983, regular; Mar. 16, 1983, suspended; Apr. 26, 1983, reinstated.	Dec. 13, 1974 and Oct. 31, 1975.
New Jersey: Union	Kenilworth, borough of	340466B	Feb. 9, 1973, emergency; Mar. 2, 1983, regular; Mar. 2, 1983, suspended; Apr. 27, 1983, reinstated.	Oct. 26, 1973.
Mississippi: Lamar	Sumrall, town of	280326A	Apr. 22, 1983, emergency	Aug. 31, 1979.
Colorado: Pueblo	Boone, town of	080148B	Apr. 28, 1983, emergency	Sept. 6, 1974, Jan. 9, 1976 and Sept 19, 1978.
Illinois: Sangamon	Sherman, village of	170969A	do	Jan. 12, 1979.
Indiana: LaPorte	LaPorte, city of	180490-New	do	
Missouri:				
Bollinger	Zalma, village of	290033A	do	Oct. 25, 1974 and Nov. 7, 1975.
Christian	Nixa, city of	290079	Apr. 22, 1983, emergency; Apr. 22, 1983, regular.	NSFHA.
Illinois: Scott	Bluffs, village of	170606B	Apr. 28, 1983, emergency; Apr. 28, 1983, regular.	June 7, 1974, Jan. 30, 1976 and June 15, 1981.
Alabama: Etowah	Gadsden, city of	010080C	Apr. 4, 1983, suspension, withdrawn	June 15, 1979, May 28, 1976, Mar. 8, 1974.
Connecticut: Litchfield	Torrington, city of	090081B	do	Mar. 5, 1976, July 1, 1974 and May 19, 1972.
Iowa:				
Union	Creston, city of	190264B	do	Jan. 2, 1976, June 28, 1974.
Shelby	Harlan, city of	190248B	do	Jan. 9, 1976, June 28, 1974.
Mills	Pacific Junction, city of	190206A	do	June 28, 1974.
Kansas: McPherson	Unincorporated areas	200214B	do	June 28, 1977.
Louisiana:				
Bossier Parish	Bossier City, city of	220330C	do	June 28, 1974, Dec. 12, 1975 and June 5, 1979.
Vermilion and Iberia	Delcambre, town of	220223B	do	Oct. 7, 1980, Apr. 5, 1974.
St. Tammany Parish	Mandeville, town of	220202C	do	Sept. 26, 1979, Oct. 1, 1976 and June 28, 1974.
New Hampshire: Hillsborough	Hancock, town of	330069B	do	Nov. 5, 1976, May 31, 1974.
New York: Suffolk	Asharoken, village of	365333C	do	Oct. 10, 1975, July 1, 1974, and Aug. 20, 1971.
Louisiana: Vermilion Parish	Erath, town of	220224B	do	Feb. 20, 1979, Mar. 8, 1974.
New York: Onondaga	Cicero, town of	360572C	do	July 16, 1976, Dec. 31, 1976 and Nov. 1, 1974.
New York:				
Nassau	Glen Cove, city of	360465	do	Mar. 1, 1978.
Greene	Jewett, town of of	361114B	do	Dec. 23, 1977, Jan. 17, 1974.
Pennsylvania: York	Manheim, township of	422224B	do	Apr. 18, 1980, Dec. 27, 1974.
Texas:				
Galveston	Clear Lake Shores, city of	485461C	do	Apr. 18, 1975, Oct. 23, 1970.
Do	Hitchcock, city of	485479D	do	Oct. 31, 1975, July 1, 1974, Nov. 17, 1970.
Vermont: Franklin	Highgate, town of	500055B	do	Aug. 13, 1976, May 31, 1974.
Virginia:				
Tazewell	Cedar Bluff, town of	510162A	do	June 25, 1976, May 10, 1974.
Do	Richlands, town of	510563A	do	June 18, 1976.
West Virginia:				
Ohio	Unincorporated areas of	540149B	do	Oct. 2, 1981, Nov. 29, 1974.
Wetzel	Do	540207A	do	Dec. 20, 1974.
Texas: Orange	Pine Forest, town of	480697A	do	Dec. 13, 1974.
Tennessee: Gibson	Bradford, city of	470057B	do	June 21, 1974, Apr. 23, 1976.
New York:				
Suffolk	Huntington Bay, village of	361543B	Apr. 18, 1983, suspension withdrawn	Dec. 12, 1980 and Feb. 7, 1975.
Suffolk	Lloyd Harbor village of	360799C	do	Apr. 12, 1974, Feb. 15, 1978 and Apr. 18, 1983.
Oneida	New Hartford, town of	360535B	do	May 28, 1974 and Feb. 22, 1974.
Suffolk	Northport, village of	360801B	do	Apr. 12, 1974 and June 4, 1976.
Green	Tannersville, village of	360297B	do	June 25, 1975 and June 7, 1974.
Pennsylvania:				
Berks	Spring, township of	421106B	do	Sept. 13, 1974.
Do	Wyomissing, burough of	421375A	do	Nov. 22, 1974.
Texas: Galveston	Friendswood, city of	485468	do	Dec. 19, 1975.
Connecticut: New Heaven	West Haven, city of	090092C	do	May 31, 1974 and Jan. 17, 1979.
Kentucky: Floyd	Allen, city of	210070	do	Feb. 27, 1976.
Minnesota: Chisago	Unincorporated areas	270682B	do	Oct. 28, 1977.
New Jersey:				
Monmouth	Keyport, borough of	340304C	do	Jan. 23, 1974, Feb. 6, 1976, and July 2, 1979.
Bergen	Closter, borough of	340023B	do	Apr. 9, 1976 and Sept. 6, 1974.

State and County	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified
Sussex	Newton, town of	340453B	do	Apr. 12, 1974 and June 4, 1976.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: May 1, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-12315 Filed 5-9-83; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are finalized for the communities listed below.

The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, National Flood Insurance Program, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the **Federal Register** for each community listed.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448)), 42 U.S.C. 4001–4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal proposed determinations to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12229, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

Interested lessees and owners of real property are encouraged to review the Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the 90-day period and the proposed base flood elevations have not been changed.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Town of Lincoln, Talladega County (FEMA-6442)	Blue Eye Creek	Just upstream of McClain Avenue	*486
			Just upstream of State Highway 77	*501
		Tributary 1	Approximately 200 feet upstream of State Highway 77	*507
		Tributary 2	Just upstream of Magnolia Avenue	*499
Maps available for inspection at Town Hall, Clerk's Office, Highway 78, Lincoln, Alabama 35096.				
Alaska	Kotzebue (city), Kotzebue Division, FEMA-6442	Kotzebue Sound	Center of intersection of Shore Avenue and Rurik Way	*10
			Center of intersection of Tundra Street and Eighth Avenue.	*7
Maps available for inspection at City Hall, 3rd Avenue, Kotzebue, Alaska.				
California	Placer County (unincorporated areas), FEMA-6449	Dry Creek (at Roseville	375 feet downstream from center of Atkinson Street	*119
		Miners Ravine	25 feet upstream from center of Sierra College Boulevard.	*246
		Antelope Creek	100 feet upstream from center of Grange Avenue	*331
		Antelope Creek Tributary	25 feet upstream from center of Humphrey Road	*380
		Secret Ravine	100 feet upstream from center of King Road	*381
		Secret Ravine Tributary	20 feet upstream from center of Interstate Highway 80	*367
		Aguilar Road Tributary	25 feet upstream from center of Aguilar Road	*267
		Pleasant Grove Creek	25 feet upstream from center of Southern Pacific Railroad.	*106
		Pleasant Grove Creek Tributary 1	20 feet upstream from center of State Highway 65	*109
		Pleasant Grove Creek Tributary 2	20 feet upstream from center of unnamed road	*118

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pleasant Grove Creek Tributary 3	20 feet upstream from center of unnamed road	*119
		Sucker Ravine	500 feet upstream from confluence with Secret Ravine	*235
		Orchard Creek	100 feet upstream from center of Industrial Avenue	*119
		Orchard Creek Tributary 1	20 feet upstream from center of Athens Avenue	*120
		Orchard Creek Tributary 2	20 feet upstream from center of State Highway 65	*128
		Orchard Creek Tributary 2-1	100 feet upstream from center of State Highway 65	*128
		Orchard Creek Tributary 2-2	20 feet upstream from center of unnamed road	*134
		Orchard Creek Tributary 3	25 feet upstream from center of State Highway 65	*129
		Auburn Ravine	20 feet upstream from center of Forgotten Road	*1,004
		Dry Creek (Vicinity of Auburn)	25 feet upstream from center of Haines Road	*1,430
		Truckee River	50 feet upstream from center of Alpine Meadows Road.	*6,174
		Auburn Ravine (at Lincoln)	20 feet upstream from center of State Highway 65	*150
		Ward Creek	30 feet upstream from center of State Highway 89	*6,250
		Clover Valley Creek	180 feet downstream from center of Sierra College Boulevard.	*496
	Maps available for inspection at Department of Public Works, 11444 B Avenue, Auburn, California.			
California	Porterville (city), Tulare County, FEMA-6442	Tule River	50 feet upstream from center of Jaye Street	*441
		Shallow Flooding	Center of intersection of Olive Avenue and Plano Street.	#1
		Shallow Flooding	Center of intersection of Doris Avenue and Sunnyside Avenue.	*447
	Maps available for inspection at City Planning Department, 291 North Main Street, Porterville, California.			
Colorado	Jamestown (town), Boulder County, FEMA-4465	James Creek	At downstream corporate limit	*6,802
			20 feet upstream from centerline of Main Street	*6,915
			10 feet downstream from upstream corporate limits	*7,057
		Little James Creek	10 feet upstream from centerline of Ward Street	*6,978
			90 feet upstream from centerline of James Canyon Drive.	*7,167
			10 feet downstream from upstream corporate limit	*7,267
		Unnamed Tributary to Little James Creek.	At corporate limit	*7,299
	Maps available for inspection at Town Clerk's Office, Town Hall, Main Street, Jamestown, Colorado.			
Florida	City of Apalachicola, Franklin County (FEMA-6431)	Apalachicola Bay	Intersection of Market Street and Avenue J	*9
			Intersection of Avenue B and 6th Street	*13
		Shallow Flooding	Intersection of 8th Street and Avenue G	*11
			Intersection of 10th Street and 23rd Avenue	*14
	Maps available for inspection at City Clerk's Office, City Hall, 6 Avenue E, Apalachicola, Florida 32320.			
Florida	City of Carrabelle, Franklin County (FEMA-6431)	Gulf of Mexico St./George Sound	Mouth of Carrabelle River	*16
			Avenue F South	*14
			Avenue E South	*12
		Carrabelle River	Upstream of U.S. Highway 98	*11
			Downstream of U.S. Highway 98	*10
		Ponding Areas	At 8th Street East near D Avenue South	*20
			At 3rd Street East Near A Avenue South	*13
			South of C Avenue North and east of 2nd St. West	*14
	Maps available for inspection at City Hall, Avenue B, South, Carrabelle, Florida 32322.			
Idaho	Nez Perce County (unincorporated areas), FEMA-6449.	Clearwater River	At intersection of river and U.S. Highway 95	*785
			At confluence with Big Canyon Creek	*948
		Lindsay Creek	70 feet upstream from center of Gun Club Road	*855
		Lindsay Creek Tributary	25 feet upstream from center of first crossing of Old Lapwai Road.	*1,035
		Tammany Creek	At center of intersection of County Road 456 and Tammany Creek Road.	*1,406
		Lapwai Creek	100 feet upstream from center of Sweetwater Road	*1,091
			100 feet upstream from center of Lyle Gulch Road	*1,389
		Lapwai Creek Lower Overflow	40 feet upstream from center of County Road 343	*882
		Lapwai Creek Upper Overflow	20 feet upstream from center of U.S. Highway 95	*973
		Mission Creek	40 feet upstream from center of Fountain Grade Road	*1,764
		Mission Creek Lower Overflow	At the divergence from Mission Creek	*1,519
		Mission Creek Upper Overflow	25 feet upstream from center of unnamed road	*1,575
		Big Canyon Creek	At intersection of Creek and Little Canyon Creek Road	*1,071
		Hatwai Creek	130 feet upstream from center of U.S. Highway 95	*768
		Potlatch River	25 feet upstream from center of County Road 220	*1,072
	Maps available for inspection at County Planning Office, Urban Renewal Building, Lewistown, Idaho.			
Illinois	(C) Danville, Vermilion County (Docket No. FEMA-6442).	Vermilion River	About 4,000 feet downstream of Interstate 74	*533
			Western corporate limits (about 4,500 feet upstream of Conrail).	*542
		North Fork Vermilion River	About 800 feet upstream of Conrail	*539
			About 11,200 feet upstream of Water Treatment Plant Dam.	*559
		Stoney Creek	Just upstream of Griffin Street	*551
			About 250 feet downstream of Winter Avenue	*610
			Just upstream of Winter Avenue	*613
			Just downstream of Liberty Lane Road	*625
		Koehn Creek	Just upstream of Conrail (about 700 feet downstream of Fairchild Street).	*634
			About 100 feet upstream of Fairchild Street	*639
			Just downstream of Voorhees Street	*643
			Upstream corporate limit	*658

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		West Branch Koehn Creek	At mouth	*643
			Just upstream of Bohn Aluminum Driveway-West	*644
			At upstream corporate limit	*654
		East Branch Lick Creek	Just downstream of East Main Street	*604
			About 1,800 feet upstream of East Main Street	*625
			Just upstream of Conrail	*637
			About 200 feet upstream of Old Lynch Road	*644
Maps available for inspection at City Clerk's Office, City Hall, 400 North Hazel Street, Danville, Illinois.				
Indiana	(C) Auburn, De Kalb County (Docket No. FEMA-6442).	Cedar Creek	About 950 feet downstream of Chessie System	*852
			About 0.36 mile upstream of First Street	*861
Maps available for inspection at City Hall, Auburn, Indiana.				
Indiana	(C) Bluffton, Wells County (Docket No. FEMA-6442)	Wabash River	About 3,000 feet downstream of Norfolk and Western Railway.	*807
			About 400 feet upstream of Main Street	*811
			At eastern corporate limits about 5,600 feet upstream of Main Street.	*812
Maps available for inspection at the County-City Area Plan Office, Wells County Courthouse, Bluffton, Indiana.				
Indiana	(C) Cannelton, Perry County (Docket No. FEMA-6442).	Ohio River	About 1.2 miles downstream of Lincoln Trails Highway	*401
			About 2.3 miles upstream of Lincoln Trails Highway	*402
Maps available for inspection at the City Hall, Cannelton, Indiana.				
Indiana	(T) Corydon, Harrison County (Docket No. FEMA-6442).	Indian Creek	About 1.8 miles downstream of confluence with Little Indian Creek.	*537
			About 0.5 mile upstream of Low Flow Dam No. 3	*578
		Little Indian Creek	At mouth	*546
			About 0.4 mile upstream of Golf Course Drive	*585
Maps available for inspection at Town Hall, 113 North Oak, Corydon, Indiana.				
Indiana	(T) Grandview, Spencer County (Docket No. FEMA-6442).	Ohio River	Within the community	*394
Maps available for inspection at Town Hall, Grandview, Indiana.				
Indiana	(C) Huntington, Huntington County (Docket No. FEMA-6442).	Wabash River	At downstream corporate limits	*705
			Just downstream of State Highway 221	*714
		Little River	About 300 feet upstream of confluence with Wabash River.	*706
			About 300 feet upstream of Jefferson Street	*722
			About 600 feet upstream of Jefferson Street (Just upstream of dam).	*728
			Just downstream of North Broadway	*730
Maps available for inspection at City Building, 300 Cherry Street, Huntington, Indiana.				
Indiana	(Uninc.) Huntington County (Docket No. FEMA-6442)	Wabash River	Just upstream of State Route 105	*693
			About 300 feet downstream of State Route 5	*727
		Little River	About 200 feet upstream of North Broadway	*730
			About 1,500 feet upstream of Norfold and Western Railway.	*755
		Calf Creek	At mouth	*753
			Just upstream of U.S. Route 24 and State Route 37	*754
			About 150 feet upstream of 1100 North Road	*763
		Loon Creek	About 450 feet downstream of Norfolk and Western Railway.	*701
			Just upstream of 800 West Road	*720
			About 1,800 feet upstream of 800 West Road	*727
Maps available for inspection at the County Courthouse, Huntington, Indiana.				
Indiana	(C) New Haven, Allen County (Docket No. FEMA-6442).	Maumee River	About 2.7 miles downstream of Norfolk and Western Railway.	*747
			About 1.25 miles upstream of Landin Road	*751
		Martin Ditch	At mouth	*749
			Just downstream of Norfolk and Western Railway	*753
			About 250 feet upstream of Norfolk and Western Railway.	*759
			Just downstream of Doyle Road	*766
		Trier Ditch	At mouth	*750
			Just upstream of Hartzell Road	*756
			Just downstream of Moeller Road	*762
		Bender Ditch	At mouth	*761
			Just upstream of Moeller Road	*767
			Just downstream of Seiler Road	*771
		Dannentelser-Cochoit Ditch	At mouth	*757
			Just upstream of Walnut Road	*764
			Just upstream of Werling Road	*769
			Just Downstream of Seiler Road	*782
Maps available for inspection at City Hall, 1235 Lincoln Highway East, New Haven, Indiana.				
Indiana	(C) Rockport, Spencer County (Docket No. FEMA-6442).	Ohio River	Within the community	*382
Maps available for inspection at City Hall, Box 151, Rockport, Indiana.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	(C) Georgetown, Clay County (Docket No. FEMA-6442).	Buffalo River	At Downstream corporate limits	*882
			At upstream corporate limits	*884
	Maps available for inspection at the Mayor's Office, City Hall, Main Street, Georgetown, Minnesota.			
Minnesota	(Uninc.) Marshall County (Docket No. FEMA-6442)	Red River of the North	Just upstream of State Highway 317	*801
			Upstream county boundary	*813
		Tamarac River	About 1.2 miles downstream of County Highway 5	*822
			Just upstream of Burlington Northern Railroad	*830
			Just downstream of County Highway 109	*836
		Middle River	Just upstream of unnamed county road (about 3.7 miles downstream of Burlington Northern Railroad).	*836
			About 3.1 miles upstream of Dam at City of Argyle	*857
			Just upstream of unnamed road (about 6.0 miles downstream of County Highway 28 in Newfolden).	*1,066
			Just upstream of Township Road (about 3.8 miles downstream of County Highway 28 in Newfolden).	*1,075
			Just downstream of County Highway 28 east of Newfolden.	*1,097
			About 3.2 miles upstream of County Highway 28 east of Newfolden.	*1,100
			Just upstream of unnamed road about 1.6 miles downstream of County Highway 47 (West of the City of Middle River).	*1,129
			Just downstream of County Highway 47 (West of the City of Middle River).	*1,132
			Just upstream of County Highway 47 (West of the City of Middle River).	*1,135
			City of Middle River (western corporate limit)	*1,138
			City of Middle River (eastern corporate limit)	*1,141
			Just downstream of County Highway 47 near County Highway 12.	*1,143
			Just upstream of County Highway 47 near County Highway 12.	*1,145
		Snake River	Just upstream of unnamed road (about 3.3 miles downstream of Soo Line Railroad).	*808
			Just upstream of State Highway 220 (about 2.0 miles upstream of the Soo Line Railroad).	*814
			Just upstream of County Highway 104	*835
			Just upstream of County Highway 15	*850
			About 3.0 miles upstream of County Highway 15 at City of Warren corporate limits.	*860
			About 7.4 miles upstream of County Highway 15	*874
		Mud River	Just upstream of unnamed road (about 1.2 miles downstream of County Highway 54).	*1,173
			About 1.2 miles upstream of County Highway 54 (at county boundary).	*1,179
		Shallow Flooding (Overflow from Middle River).	South of County Highway 110 near U.S. Highway 75	#3
		Shallow Flooding (Overflow from Tamarac River).	South of County Highway 5 and west of City of Stephen.	#3
		Shallow Flooding (Overflow from Snake River).	East of County Highway 15 and North of State Highway 1.	#3
			West of County Highway 105 (at county boundary)	*823
			West of County Highway 104 (at county boundary)	*829
	Maps available for inspection at the County Auditor's Office, Marshall County Courthouse, Warren, Minnesota.			
Missouri	(C) Joplin, Jasper, and Newton Counties (Docket No. FEMA-6442).	Baker's Branch	Mouth at Turkey Creek	*961
			About 200 feet downstream of Rangeline Avenue	*976
			About 800 feet upstream of Rangeline Avenue	*982
		Center Creek	About 1.3 miles upstream of County Road	*881
			About 400 feet upstream of County Road	*884
		County Line Creek	Mouth at Tin Cup Creek	*945
			About 160 Feet upstream of Thirty-Second Street	*951
			Just upstream of Old Thirty-Second Street	*968
			About 0.3 mile upstream of Old Thirty-Second Street	*997
		Iowa Avenue Branch	Mouth at Joplin Creek	*966
			Just downstream of 7th Street	*975
			Just upstream of 7th Street	*980
			About 400 feet downstream of 15th Street	*993
			Just upstream of 15th Street	*999
			Just downstream of 26th Street	*1,038
		Joplin Creek	Mouth at Turkey Creek	*921
			Just downstream of Missouri Pacific Railroad	*964
			Just upstream of Missouri Pacific Railroad	*989
			Just downstream of Connecticut Avenue	*996
			Just upstream of Connecticut Avenue	*1,001
			About 1,000 feet downstream of Kansas City Southern Railroad (upstream of U.S. Route 71).	*1,041
			About 600 feet downstream of Kansas City Southern Railroad (upstream of U.S. Route 71).	*1,049
			Just downstream of Davis Boulevard	*1,059
		Shoal Creek	About 400 feet downstream of Joplin Water Works Company Dam.	*884
			Just upstream of Joplin Water Works Company Dam	*891
			About 0.6 mile upstream of State Highway 86	*912

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Silver Creek	Mouth at Shoal Creek	*906
			Just downstream of State Highway 86	*907
			Just upstream of State Highway 86	*925
			Just downstream of U.S. Highway 71 and Interstate 44 Interchange.	*1,003
			Just upstream of U.S. Highway 71 and Interstate 44 Interchange.	*1,017
			Just downstream of Duquesne Road	*1,054
		Tin Cup Creek	Mouth at Shoal Creek	*896
			About 100 feet downstream of McIntosh Circle Drive	*947
			Just upstream of McIntosh Circle Drive	*956
			About 850 feet downstream of 32nd Street (just downstream of unnamed drive).	*956
			About 750 feet downstream of 32nd Street (just upstream of unnamed drive).	*966
			About 100 feet upstream of 32nd Street	*972
			About 750 feet upstream of Jackson Avenue	*967
		Turkey Creek	About 600 feet downstream of St. Louis-San Francisco Railroad (downstream of Lone Elm Road).	*905
			Just downstream of Lone Elm Road	*918
			About 100 feet upstream of Lone Elm Road	*920
			Just upstream of Florida Avenue	*960
			About 1,300 feet upstream of Duquesne Road	*994

Maps available for inspection at City Hall, 303 East Third Street, Joplin, Missouri.

Montana	Teton County (unincorporated areas) FEMA-6442	Sun River	At upstream limit of detailed study	*3576
		Teton River	50 feet upstream from center of Bellview Road	*3803
		Spring Creek	50 feet upstream from center of road leading to airport	*3633

Maps available for inspection at County Clerk, County Courthouse, Choteau, Montana.

New Jersey	Plainfield (city), Union County (Docket No. FEMA-6431).	Green Brook	At Jefferson Avenue	*52
			Clinton Avenue (downstream side)	*62
			Approximately 50' upstream of Gerald Avenue	*75
			Approximately 65' upstream of Westervelt Avenue	*99
			Ponding area along Leland Avenue and north along South Avenue.	*120
			Leland Avenue (upstream side)	*123
			At upstream corporate limits	*126
		Cedar Brook	At downstream corporate limits	*72
			Ponding area along Randolph Road	*80
			Steel Avenue (upstream side)	*82

Maps available for inspection at the Office of the City Engineer, Municipal Building, 515 Watchung Avenue, Plainfield, New Jersey.

New York	Cove Neck, Village, Nassau County (Docket No. FEMA-6384).	Oyster Bay Cove	Oyster Bay Cove shoreline	*12
		Oyster Bay Harbor	Oyster Bay Harbor shoreline north of Oyster Bay Cove shoreline to approximately 2,000 feet south of Cove Point.	*15
		Cold Spring Harbor	Cold Spring Harbor shoreline from Cove Point to Cooper Bluff.	*16
			Cold Spring Harbor shoreline from Cooper Bluff to Village of Cove Neck-Village of Laurel Hollow corporate limits.	*15
			Sagamore Hill National Historical Site along eastern corporate limits.	*13

Maps available for inspection at the residence of the Village Clerk, Mrs. W.D. Robinson, Tennis Court Road, Cove Neck, New York.

New York	Islip, town, Suffolk County (Docket No. FEMA-6401)	Atlantic Ocean	Shoreline from western corporate limits to a point 0.63 mile east of western corporate limits.	*15
			Shoreline from a point 0.63 mile east of western corporate limits to eastern corporate limits.	*14
			Shoreline of Fire Island Inlet from western corporate limits to east of the vicinity of the U.S. coastguard reservation on Fire Island Inlet.	*12
			Shoreline of Great South Bay, east of the vicinity of the coastguard station on Fire Island Inlet.	*8
			Western corporate limits of the Village of Saltaire	*6
			Shoreline of Great South Bay from the eastern corporate limits of the Village of Saltaire to Cranberry Walk (extended).	*5
			Shoreline of Great South Bay from Cranberry Walk (extended) to the eastern corporate limits.	*8
			Entire shoreline of West Fire Island	*6
			Northern shoreline of Great South Bay from the confluence with Sampawams Creek to eastern corporate limits.	*7

Maps available for inspection at the Town Hall, 655 Main Street, Islip, New York.

New York	Johnstown, city, Fulton County (Docket No. FEMA-6449.	Caysdutta Creek	Downstream corporate limits	*597
			Upstream of Main Street	*647
			Upstream of Miller Street	*682
			Upstream corporate limits	*727
		Hall Creek	Upstream of Pleasant Avenue	*653
			Confluence with Mathew Creek	*683
			Upstream corporate limits	*712
		Mathew Creek	Confluence with Hall Creek	*663
			Approximately 200 feet downstream of Oneil Avenue	*696

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Comrie Creek	Confluence with Hale Creek	*661
			Upstream of Comrie Avenue	*669
		Hale Creek	Confluence with Cayadutta Creek	*659
			Upstream of Jansen Avenue	*665
			Upstream corporate limits	*668
		Yost Creek	Confluence with Cayadutta Creek	*647
			Upstream of Wright Drive	*668
Maps available for inspection at the City Hall, 41 East Main Street, Johnstown, New York.				
New York	Portville, town, Cattaraugus County (Docket No. FEMA-6442).	Oswayo Creek	Confluence with Allegheny River	*1,437
			At upstream corporate limits	*1,437
Maps available for inspection at the Town Office Building, Route 417, Portville, New York.				
North Carolina	Unincorporated Areas of Union County (FEMA-6442).	Bearskin Creek	Approximately 200 feet downstream of Secondary Road 1007.	*618
			Approximately 140 feet downstream of Secondary Road 1351.	*633
		Crooked Creek	Approximately 400 feet uptream of U.S. Highway 601	*562
			At the confluence with North and South Forks Crooked Creek.	*568
		Davis Mine Creek	Just upstream of confluence with Price Mill Creek	*581
		East Fork Twelve Mile Creek	Approximately 190 feet upstream of Secondary Road 1008.	*525
			Approximately 360 feet downstream of Secondary Road 1328.	*528
			Just downstream of Secondary Road 1329	*539
			Just downstream of Secondary Road 1315	*545
		Goose Creek	Just upstream of State Highway 218	*499
			Just upstream of Secondary Road 1533	*525
			Approximately 100 feet upstream of Secondary Road 1004.	*537
			Just upstream of Secondary Road 1525	*560
		Little Twelve Mile Creek	Just upstream of Secondary Road 1328	*527
			Just upstream of Secondary Road 1329	*542
		Meadow Branch	Approximately 500 feet downstream of Secondary Road 1002.	*528
		Meadow Branch West	Just upstream of confluence with Meadow Branch	*52b
		North Fork Crooked Creek	Just upstream of Secondary Road 1504	*581
			Approximately 100 feet upstream of Secondary Road 1514.	*589
			Just downstream of Secondary Road 1520	*607
			Just downstream of Secondary Road 1582	*623
		North Fork Crooked Creek Tributary.	Approximately 100 feet downstream of Secondary Road 1524.	*643
		Price Mill Creek	Just upstream of Secondary Road 1336	*550
			Just upstream of State Highway 64	*564
			Just upstream of Secondary Road 1346	*577
		South Fork Crooked Creek	Just upstream of Secondary Road 1004	*573
			Approximately 350 feet downstream of Secondary Road 1504.	*585
			Just downstream of Secondary Road 1508	*592
		Twelve Mile Creek	Just upstream of Secondary Road 1301	*496
			Just upstream of State Highway 16	*510
		West Fork Twelve Mile Creek	Just downstream of Secondary Road 1315	*539
			Just downstream of State Highway 64	*564
			Just upstream of Secondary Road 1338	*571
			Just upstream of Secondary Road 1346	*582
			Approximately 100 feet downstream of Secondary Road 1358.	*607
Maps available for inspection at Planning Department, Union County Courthouse, Monroe, North Carolina 28110.				
Ohio	(C) East Liverpool, Columbiana County (Docket No. FEMA-6442).	Ohio River	About 0.7 mile downstream of Newell Bridge	*686
			About 2.7 miles upstream of U.S. Route 30	*690
Maps available for inspection at the Mayor's Office, 126 West Sixth Street, East Liverpool, Ohio.				
Ohio	(V) Ripley, Brown County (Docket No. FEMA-6442)	Ohio River	At downstream corporate limits	*513
			At upstream corporate limits	*514
Maps available for inspection at Town Hall, 14 North Third Street, Ripley, Ohio.				
Ohio	(V) Shadyside, Belmont County (Docket No. FEMA-6431).	Ohio River	At downstream corporate Limits	*654
			At upstream corporate limits	*655
Maps available for inspection at the Mayor's Office, Village Hall, East 39th Street, Shadyside, Ohio.				
Pennsylvania	Pike, township, Berks County (Docket No. FEMA-6254).	Pine Creek	Downstream corporate limits	*352
			Lobachsville Road (upstream side)	*367
			Confluence of West Branch of Pine Creek	*400
		West Branch of Pine Creek	Confluence with Pine Creek	*400
			Downstream of Ruppert School Road	*447
		Oysterdale Creek	Downstream corporate limits	*351
			130 feet downstream of Rohrbach Road	*374
Maps available for inspection at the residence of the Pike Township Secretary, Ms. Shirley Rhoads, R.D. 2, Oley, Pennsylvania.				

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	South Coventry, Township, Chester County (Docket No. FEMA-6224).	French Creek	Upstream of Pottstown Pike (State Route 100)	*260
			Approximately 2,140' upstream of Pottstown Pike (State Route 100).	*260
Maps available for inspection at the residence of the Township Secretary, Mr. Robert W. Fries, R.D. 2, Pottstown, Pennsylvania, at the Springers Store in Pughtown, Pennsylvania, and at the Bucktown Branch of the Elverson National Bank.				
Tennessee	City of Mufreesboro, Rutherford County (FEMA-6431).	West Fork Stones River	Just downstream of Thompson Lane	*558
			Just downstream of U.S. Highway 41 and 70	*563
			Just upstream of Interstate Highway 24	*587
		Sinking Creek	Just downstream of Memorial Boulevard (U.S. Highway 231) Drive.	*596
			Just upstream of Highland Street	*601
			Just upstream of Ewing Road	*612
		Lytle Creek	Just upstream of Louisville and Nashville Railroad near Carnation street.	*582
			Just upstream of the intersection of U.S. Highway 70 (Southeast Broad Street) and West Main Street.	*585
			Just upstream of Old Salem Road	*590
Maps available for inspection at City Hall, 220 Northwest Broad Street, Murfreesboro, Tennessee 37130.				
Wisconsin	(V) Albany, Green County (Docket No. FEMA-6442).	Sugar River	About 0.7 mile downstream of Main Street (downstream corporate limits).	*801
			About 0.6 mile upstream of Main Street (upstream corporate limits).	*808
Maps available for inspection at Village Hall, Albany, Wisconsin.				
Wisconsin	(V) Monticello, Green County (Docket No. FEMA-6442).	Brayton Creek	Just downstream of Coates Avenue	*837
			About 150 feet upstream of Coates Avenue	*839
			About 2,500 feet upstream of Coates Avenue	*841
		West Branch Little Sugar River	About 2,500 feet downstream of Wisconsin Avenue	*828
			Just downstream of Main Street	*833
			Just upstream of Main Street	*836
			At confluence with Brayton Creek	*837
Maps available for inspection at the Village Hall, Monticello, Wisconsin.				

(National Flood Insurance Act of 1968 [Title XIII of Housing and Urban Development Act of 1968], effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: April 15, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-12289 Filed 5-9-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 82-777; RM-4196]

FM Broadcast Station in Plantation Key, Florida; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 276A to Plantation Key, Florida, in response to a petition filed by John T. Galanses. The assigned channel could provide a second FM service to Plantation Key.

DATE: Effective: July 5, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, 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 (Plantation Key, Florida) BC Docket No. 82-777, RM-4196.

Adopted: April 20, 1983.

Released: May 4, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 54519, published December 3, 1982, proposing the assignment of Channel 276A to Plantation Key, Florida, as that community's second FM assignment. The *Notice* was issued in response to a petition filed by John T. Galanses ("petitioner"). Petitioner submitted comments in support of the proposal and expressed his continuing interest in applying for the station, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No opposing comments were received.

2. The Commission has determined that the public interest would be served by assigning Channel 276A to Plantation Key, Florida, since it could provide a second local FM service to that community.

3. Accordingly, pursuant to the authority 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, *it is ordered*, That effective July 5, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, *is amended*, with respect to the community listed below:

City	Channel No.
Plantation Key, Fla	262, and 276A.

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

5. For further information concerning this proceeding, contact Mark N. Lipp, 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. 83-12512 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-764; RM-4211]

FM Broadcast Stations in Charlotte Amalie, Virgin Islands; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Class B Channel 271 to Charlotte Amalie, Virgin Islands, in response to a petition filed by Thousand Islands Corporation. The assigned channel could provide a third FM service to Charlotte Amalie.

DATE: Effective: July 5, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, 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 (Charlotte Amalie, Virgin Islands), BC Docket No. 82-764, RM-4211.

Adopted: April 20, 1983.
Released: May 4, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 53931, published November 30, 1982, proposing the assignment of Class B Channel 271 to Charlotte Amalie, Virgin Islands, as that community's third FM assignment in response to a petition filed by Thousand Islands Corporation ("petitioner"). Petitioner filed comments in support of the proposal and reaffirmed its interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements. No oppositions to the proposal were received.

2. The Commission has determined that the public interest would be served by assigning Channel 271 to Charlotte Amalie, Virgin Islands, since it could provide a third local FM service to that community.

3. Accordingly, pursuant to the authority 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, *it is ordered*, that effective July 5, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, *is amended*, with respect to the community listed below:

City	Channel No.
Charlotte Amalie, V.I.	226, 250, and 271.

4. *It is further ordered*, that this proceeding *is terminated*.

5. For further information concerning this proceeding, contact Mark N. Lipp, 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. 83-12511 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Ch. X

[Ex Parte No. 311; Sub-4]

Modification of the Motor Carrier Fuel Surcharge Program

AGENCY: Interstate Commerce Commission.

ACTION: Change in owner-operator fuel reimbursement figure; rule-related notice.

SUMMARY: Due to a change in the nationwide average cost of diesel fuel, owner-operator reimbursement has changed from 11 to 11.5 cents per mile.

EFFECTIVE DATE: This decision will be effective on May 24, 1983.

FOR FURTHER INFORMATION CONTACT: Lee Alexander, (202) 275-7723; Ted Kalick, (202) 275-6446; Alan Rothenberg, (202) 275-7597; Boston, MA, (617) 223-2372; Philadelphia, PA, (215) 597-4460; Atlanta, GA, (404) 881-2167; Chicago, IL, (312) 353-6204; Ft. Worth, TX, (817) 334-2794; San Francisco, CA, (415) 974-7125.

SUPPLEMENTARY INFORMATION: In a decision served April 21, 1983 (46 FR 18817, April 26, 1983), the Commission established owner-operator reimbursement at 11 cents per mile for all carrier-related business miles. This change will become effective May 10, 1983. As noted in the October 8, 1981 decision (46 FR 50070, October 9, 1981), the mileage payment will change when the price of fuel in conjunction with the reimbursement formula causes the figure to rise or decline by .5 cents per mile.

As of May 2, 1983, the current price of diesel fuel was 118.2 cents per gallon. The reimbursement figure is 11.6. Ten working days after publication of the notice in the **Federal Register** (effective May 24, 1983), carriers shall reimburse owner-operators at a minimum of 11.5 cents per mile.

During this 10-day period or after, if they choose, carriers may adjust their rates to reflect the change in owner-operator reimbursement by using the 10-day notice provisions of Special Permission No. 81-2500 (see Part 2 of Appendix B and Appendix C to the October 8 decision). All other normal rate-making avenues are also available.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State having jurisdiction over transportation by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by depositing a copy with the Director, Office of the Federal Register, for publication.

Decided: May 2, 1983.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-12402 Filed 5-9-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 91
Tuesday, May 10, 1983

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1001

[Docket No. AO-14-A59]

Milk in the New England Marketing Area; Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends a change in the New England milk order based on industry proposals considered at a public hearing in January 1983. The change would remove Dukes County, Massachusetts, from the New England milk marketing area. The recommended change is necessary to reflect current marketing conditions and to assure orderly marketing in the New England marketing area.

DATE: Comments are due on or before May 25, 1983.

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

FOR FURTHER INFORMATION CONTACT: Clayton H. Plumb, Chief, Order Formulation Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 (202/447-6273).

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities. The amendments would promote orderly marketing of milk by producers and regulated handlers.

Prior document in this proceeding:

Notice of Hearing: Issued January 3, 1983; published January 7, 1983 (48 FR 812).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the New England marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication in the **Federal Register**. The exceptions should be filed in four copies. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Boston, Massachusetts, on January 26, 1983, pursuant to notice thereof issued January 3, 1983 (48 FR 812).

The material issues on the record of the hearing relate to: (1) the deletion of Dukes County, Massachusetts, from the New England milk marketing area; and (2) the re-zoning of a small portion of southwestern Connecticut from Zone 5 to Zone 8.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Marketing area.* Dukes County, Massachusetts, should be removed from the New England milk marketing area. Such action would allow Seaside Dairy Corporation (SDC) to continue to operate a dairy farm and milk processing plant on Martha's Vineyard Island without being subject to the pricing and pooling provisions of the New England milk order. The portion of Dukes County other than Martha's Vineyard consists of a number of small, privately owned islands with no retail outlets for fluid milk. For administrative convenience, all of Dukes County should be removed from the marketing area.

The operator of Seaside Dairy, which began its milk production and processing business in mid-1981, testified that no milk is purchased to supplement the dairy's own production, and that all of the dairy's output is distributed on Martha's Vineyard. He stated that Seaside Dairy is the only milk pasteurization plant on the Island, and has no capability for marketing milk in a form other than Class I. He estimated that the approximately 111,000 pounds of milk produced and processed by SDC in December 1982 represented 60 percent of the fluid milk sales on Martha's Vineyard. Milk from four Order 1 handlers located on the mainland is also distributed on the Vineyard. The witness estimated the other handlers' shares of the total fluid milk disposition in December 1982 to range from 2 to 18 percent each. There is a wide seasonal fluctuation in milk consumption on the Island due to summer vacationers who cause the summer population (July through September) of the Vineyard to be as much as eight times that in winter. The witness estimated that SDC's share of the market for August 1982 was 29 percent, or only half of its share in December, when the population is just over 9,000 people.

The handler testified that because of the expense of transporting feed and supplies to the Island by ferry, the costs of operating both the dairy farm and the processing plant are substantially higher than those encountered by mainland producers and handlers. He stated that when combined with SDC's high operating costs, the effect of Federal order regulation is to threaten Seaside's economic survival by requiring Seaside to pay to the pool the difference between the Federal order Class I and blended prices. He pointed out that the continued operation of Seaside Dairy assures a reliable milk supply for the Island, which is subject to interruptions of supply from the mainland due to disruptions of ferry service. Ferry service has, he pointed out, been interrupted in the past by severe

weather conditions and by labor difficulties and will continue to be subject to such disruptions in the future, jeopardizing milk (and food) supplies for the inhabitants of Martha's Vineyard.

Seaside's owner-operator asserted that removal of Dukes County from the New England marketing area would in no way result in disorderly marketing. Seaside is the only producer or handler that would cease to be pooled as a result of such an amendment. He claimed that regulated handlers from the mainland distributing milk on the Island would not be subject to unfair price competition as a result of Seaside's nonpool status because of SDC's higher costs of operation and because of minimum price regulation by the Massachusetts Milk Control Commission. The witness also pointed out that the cost of ferry transportation and Seaside's high costs of operation would make it extremely unlikely that Seaside would be able to ship milk in excess of the Vineyard's demand for its fluid milk products to the mainland, in either bulk or packaged form, at a price competitive with that charged by mainland handlers. The volume of sales by any of the mainland handlers which could be lost to SDC during the winter months was characterized by the witness as minor, since the largest of those handlers distributed only an estimated 33,000 pounds of milk on the Island in December 1982. Due to the large seasonal variation in fluid milk sales on the Island, the witness considered it unlikely that the market share of any of the mainland handlers would decline significantly during the July through September period in which most of their on-Island sales occur.

The witness testified that although Seaside Dairy is the only dairy farmer on the Vineyard who would be affected by loss of pool status, there are other persons on the Island who keep a few dairy cows, and whose milk Seaside would like to be able to purchase to augment its own production in order to satisfy demand for its product. The witness indicated that even if Seaside Dairy qualified for producer-handler status, it could not purchase milk from other dairy farmers and avoid pooling as long as Dukes County remains part of the Order 1 marketing area. A farmer residing on Martha's Vineyard testified that he sells raw milk at his farm to summer residents, but in winter feeds most of the milk produced on his farm to his pigs because SDC cannot purchase it from him without incurring an additional pool obligation. He asserted that in the event Dukes County is deleted from the marketing area, any farmer supplying Seaside with raw milk would be assured a fair price for his milk by the Massachusetts Milk Control Commission.

Other witnesses testifying in favor of the deletion of Dukes County from the marketing area were the Massachusetts Commissioner of Agriculture and counsel for Seaside Dairy. The Commissioner emphasized the vulnerability of Martha'a Vineyard residents to interruptions of their food supply, and the importance of SDC's existence to assure some local food production. He pointed out that Seaside Dairy employs five people year-round in an island economy whose heavy reliance on summer tourism results in high seasonal unemployment. He also maintained that the loss of returns to the thousands of Order 1 producers of removing Seaside Dairy's $1,200 monthly contribution to the New England pool would be negligible. The counsel for SDC testified relative to the history of dairy marketing on Martha's Vineyard and emphasized that the need for an on-island source of milk supply has become more acute due to an increase in the year-round population of the Vineyard since the early 1960's when a milk processing plant on the Island discontinued operation.

Representatives of two pooled mainland handlers with fluid milk disposition on Martha's Vineyard and a representative of a large New England cooperative association testified in opposition to the removal of Dukes County from the marketing area. Briefs opposing the proposal were filed on behalf of those parties and on behalf of a cooperative association and a federation of cooperatives. The opponents described the wide seasonal variation in sales on the Vineyard as requiring heavy reliance on supplemental supplies of fluid milk products from the mainland, and asserted that marketing conditions are not substantially different now than those in existence at the time the county was added to the marketing area. The handlers expressed concern that if production on the Island were encouraged to increase significantly, Vineyard producers would once again be relying on mainland Federal order handlers to balance their surplus production in winter as well as to supply seasonal Class I needs in summer.

The handler representatives claimed that without regulation Seaside Dairy would gain a sizeable price advantage (6.5 cents per quart, according to one witness) over fully regulated mainland handlers, seriously endangering the principle of handler equity. They warned that displacement of the mainland handlers' winter sales on the Island could cause the network of distribution to break down and thereby jeopardize the ability of regulated handlers to supply milk to Vineyard consumers during the summer at a reasonable price. Furthermore, they argued, reduced demand for their product during winter months could result in the cessation of winter deliveries to the Vineyard due to higher per unit costs of distribution in winter. A concern that Seaside Dairy would attempt to expand its sales to Nantucket Island and disrupt the distribution network serving that location was also expressed.

Estimates of fluid milk sales on Martha's Vineyard presented by the Seaside Dairy representative were based on Seaside's actual production and sales as well as the most accurate information on sales by mainland handlers available to the representative. Those estimates showed August sales to be approximately double those in December. Of the four mainland handlers distributing milk on Martha's Vineyard, the H. P. Hood Company was estimated by the Seaside witness to have the largest share of total sales. The Hood Company spokesman, rather than use Hood's actual sales information, chose to base his estimate of sales patterns on the Island on per capita consumption information for New England. As a result, Hood's estimate of total summer sales on the Vineyard was nearly four times Seaside's estimate. The Hood Company spokesman estimated that Hood's share of sales represents 20 percent of total annual sales in Dukes County, and that Hood sells about three times as much milk on Martha's Vineyard in the summer months as it does during the rest of the year. These data would be more consistent with Seaside's estimates of total sales on the Island than a projection based on regional per capita consumption.

The witness testifying for the cooperative association asserted that changing the marketing area to solve one marketing difficulty would establish an undesirable precedent for dealing with future problems encountered by other handlers or producers. He stated that a preferable approach to dealing with the present situation would be for Seaside Dairy to pursue qualification under the Order 1 producer-handler definition, and thereby avoid pooling.

Dukes County has been part of a Federal order marketing area since July 1959, when it was added to the Southeastern New England marketing

area at the request of Martha's Vineyard Cooperative Dairy, Inc. The cooperative wished to ensure that its distributing plant and member producers, all located on the Island, would not lose pool status during the summer months when the cooperative's receipts would be used primarily in Class I disposition on the Island. Prior to the summer of 1959, the cooperative had been a pool handler on the basis of its shipments to pool plants on the mainland. Loss of pool status during the summer months would have made the cooperative's milk ineligible for pooling during the following December through June, when demand on the Vineyard is limited and much of the milk would have to be moved to the mainland. Under nonpool status, milk so moved would be subject to "a return of no more that the Class II price less the substantial transportation charges involved in moving milk to the mainland. Such a return would seriously jeopardize the economy of the Island, of which dairying is an important segment." In adding Dukes County to the marketing area, the Secretary found that loss of pool status would inflict "unnecessary hardship on a small group of producers who have been generally associated with the market over an extended period of years * * *". The Vineyard was described as having "a substantial relationship with other parts of the marketing area from the standpoint of both receipts and dispositions of milk." [1]

Milk marketing conditions on Martha's Vineyard today are substantially different than those which supported the incorporation of Dukes County into the Southeastern New England marketing area in 1959. The interrelationship between Martha's Vineyard and the mainland handlers is much less involved at this time than it was when Dukes County was added to the marketing area. The cooperative which requested that the county be included in order to protect its pool status has long since been out of existence as have virtually all its producers, whose hardship as a result of exclusion from the marketwide pool was a major consideration in the addition of Dukes County to the marketing area. In 1959 approximately 20 milk producers located on the Island not only supplied milk for Class I needs on the Island but produced enough surplus to be shipped to mainland pool plants during the low production months of the year to qualify for pooling. In order to qualify for pooling under the Southeastern New England Federal order, as it had for some time, the Martha's Vineyard Cooperative had to ship at least 30 percent of its producer milk to pool distributing plants. Seaside Dairy has no surplus production and, according to testimony at the hearing, would find it economically disadvantageous in view of the high cost of moving milk to the mainland to produce milk in excess of demand for its fluid products, or to encourage other Vineyard producers to do so. If disposal of surplus milk to the mainland were economically feasible, it is unlikely that the Vineyard farmer who testified would be feeding his surplus production to his pigs.

A 1964 decision denied a proposal to remove Dukes County from the marketing area on the basis that a large majority of the fluid milk sales on the Vineyard were by regulated handlers. Although mainland pool handlers still account for a majority of Class I sales on the Island on an annual basis, Seaside Dairy clearly has a majority of those sales during nine months of the year. The existence of Seaside Dairy thus has resulted in a much smaller volume of milk required from mainland pool handlers to supplement Class I needs on the island during most of the year. At the same time, summer increases in Class I needs on Martha's Vineyard provide an opportunity for mainland handlers to follow their regular customers to a vacation resort area, and offset the regular summer decline in demand for fluid milk products on the mainland.

The argument that removal of Dukes County from the New England marketing area would make it more difficult for the distributors serving the Island to adapt to the large seasonal fluctuations in fluid milk requirements is not persuasive. The record does not indicate that the regulatory status of Seaside Dairy will have any significant effect on the fluctuation in seasonal requirements for milk supplies from the mainland. During winter months, the volume of fluid milk supplied to the Island by any of the distributors is quite small, and has little potential for declining. Seaside's limited ability to expand summer production over winter levels would result in little impact on the volume of summer fluid milk sales needed on Martha's Vineyard from the mainland handlers. In the unlikely event that SDC were to acquire all of the winter fluid milk business, the regulated mainland handlers still would lose only a small amount of their total annual sales on the Island, and the amount of seasonal fluctuation would change very little. The seasonal fluctuations in milk supply required from mainland handlers with Seaside Dairy as an unregulated handler could hardly be much greater than if SDC were to remain a fully regulated handler.

Mainland distributors serving the Vineyard are accustomed to supplying milk and other products on a highly seasonal basis. The potential loss of some fluid milk sales during the nine months per year when the population (and demand for all products) is at its lowest level would not appear to be a basis for curtailing or reducing delivery of the volume of fluid milk needed from the mainland during the winter. In addition to supplies of fluid milk, year-round Island residents would continue to require the importation from the mainland of Class II dairy products and all of the other items which they obtain from mainland distributors. The handlers who testified also supply the unregulated resort areas of Nantucket and Berkshire County, Massachusetts, where demand for fluid milk also fluctuates widely on a seasonal basis.

The 6.5-cent per quart price disadvantage to which opponents to the proposal claim the distributors of milk from the mainland would be subject if SDC ceased to be regulated by the Federal order is largely overstated. Two-thirds of Seaside's "advantage" is made up of the transportation costs of getting packaged milk from mainland processing plants to the ferry and across to the Vineyard by ferry. Seaside incurs similar costs in obtaining supplies for both its dairy and processing operation by means of the same transportation system, thereby cancelling out much of any price advantage obtained by producing milk on the Island. Furthermore, no cost advantage can increase Seaside Dairy's ability to expand sales past the potential winter demand for fluid milk on the Island. SDC would have no advantage in attempting to compete on the mainland with pooled handlers, since the cost of moving packaged milk there would more than cancel out any price advantage resulting from Seaside's lack of regulation.

The welfare of year-round residents of the Island would be best-served by the removal of Dukes County from the New England marketing area. During the winter months, when mainland handlers supply the smallest proportion of sales, ferry service is most vulnerable to interruption. Those most likely to be adversely affected by the lack of a dependable local milk supply are therefore the year-round residents of the Island. Seaside Dairy represents the

[1] Official notice is hereby taken of the Acting Secretary's decision issued June 18, 1959 (24 FR 5156), adding Dukes County to the Southeastern New England milk order.

most likely source of a local milk supply for Vineyard residents, and its existence should be discouraged by regulation.

The local economy, a concern for which was a basis for including Dukes County in the marketing area in 1959, would clearly be benefited by the removal of the County from the marketing area in 1983. In a summer resort community such as Martha's Vineyard, year-round employment is a valuable contribution to the local economy. According to the hearing record, Seaside Dairy employs five people on a full year basis and thus is a definite asset to the economy of the Island. A further potential benefit to the Vineyard's economy is the opportunity for farmers located on the Island to sell their winter milk production to Seaside Dairy for human consumption. The farmers would welcome the supplemental income derived from such sales, and the operator of Seaside Dairy expressed his desire to use the milk of other Vineyard farmers if it were possible to obtain it for about the blended price rather than for the Class I price required under Federal order regulation. A situation in which milk eligible for fluid use is fed to livestock because of the presence of regulations inhibiting its use by a nearby handler represents an uneconomic use of resources when considered in light of the need to import fluid milk to the Island. It is not anticipated that an outlet for some supplemental supplies of milk on the Island would result in a surplus production problem. The costs of disposing of such surplus should act as a disincentive for farmers to produce milk beyond the limits of local winter demand.

A concern expressed by opponents of Proposal 1, that adoption of the proposal would create a precedent for any handler desiring to escape Federal order regulation to request that his sales area be withdrawn from the marketing area, is not well-grounded. The protection of the minimum price provisions of the order have little significance to SDC in its capacity as a dairy farmer. Dukes County is the only portion of the New England marketing area accessible only by ferry. The island location and the milk marketing channels necessary to supply such a location are unique. Measures adopted to deal with this situation would hardly create a basis for similar action in other circumstances. It is not anticipated that removal of Dukes County from the marketing area will make the competitive situation for regulated handlers on Martha's Vineyard much different than it is now.

2. *Pricing zones.* A proposal to designate a separate price zone for a small portion of southwestern Connecticut should not be adopted. Marcus Dairy, a proprietary handler pooled under the New England milk order and located at Danbury, Connecticut, proposed that locations in Fairfield County, Connecticut, that are within 15 miles of the New York-Connecticut border and north of the towns of Wilton, Weston, Easton, and Trumbull, be re-designated from Zone 5 to Zone 8. Such action would result in a 7.5-cent per hundredweight reduction in the price Marcus Dairy would be obligated to pay for producer milk used in Class I. The blended price paid to dairy farmers delivering milk to Marcus Dairy also would be reduced by 7.5 cents per hundredweight on all of their deliveries to Danbury.

The handler asserted that recent amendments to both the New York-New Jersey and New England milk orders have caused the competitive situation at Danbury to become extremely disadvantageous to Marcus. The September 1981 amendment to the New York-New Jersey milk order (Order 2) reduced costs to New York handlers with whom Marcus competes by passing back to producers some of the farm-to-plant hauling costs previously paid by handlers. A few months later, an amendment to the New England milk order (Order 1) effective January 1982 increased transportation allowances for milk moving from country to city locations without changing price relationships between Danbury and the lower-numbered, higher-priced zones of the New England marketing area, and without making any adjustments in Order 1 pricing to compensate for the changes in Order 2. The Danbury handler contended that both amendments gave its competitors substantial price advantages.

The representative for Marcus Dairy testified that without the proposed re-zoning, Marcus is subject to competitive disadvantage because of price misalignment with handlers regulated under both the New York-New Jersey and New England Federal milk orders. The inter-order price misalignment (with Order 2) was attributed by proponent to an Order 1 Class I price at Danbury that is 14.8 cents per hundredweight higher than the Order 2 Class I price at the same location. The handler claimed that its misalignment problem with New York handlers is aggravated by the fact that its principal competitors distributing milk in the New York counties of Dutchess, Putnam, and Westchester are located further from the New York metropolitan area than Marcus, and consequently are in lower-priced zones. Those Order 2 handlers therefore have more than the 14.8-cent advantage over Marcus in raw milk costs which exists at Danbury. According to proponent, the inter-order price misalignment at Danbury is the principal cause of the decline in the percentage of Marcus' total sales that are distributed in New York from 40 percent in 1978 to 20–25 percent at the present time. Proponent testified, however, that the decline in the New York percentage of total sales does not reflect a decline in volume. The volume of fluid milk sold by Marcus to be distributed in the three New York counties in which Marcus is licensed to market milk has, according to the witness, increased, but not in proportion with increased sales in Connecticut. The witness stated further that Marcus Dairy has applied for licenses to distribute milk in three additional New York couties.

The Marcus Dairy representative testified that the lower price at Danbury under Order 2 is an incentive for Marcus to so arrange its sales that the handler would be pooled under Order 2 rather than under Order 1. As a result of such action, he contended, dairy farmers delivering milk to Marcus would lose the benefit of the higher Order 1 blend price to producers, and all producers supplying the New England market would be subject to a lower blend price because of the loss to the pool of a handler with relatively high Class I use. The witness also pointed out that such a shift of regulation would result in a significant price advantage for Marcus over other Connecticut handlers located in Zone 5 of the New England marketing area. The 7.5-cent price change proposed for the Danbury location is, the witness explained, a compromise which would allow Marcus to compete freely in both orders without gaining the full 14.8-cent advantage over nearby Order 1 handlers which would be achieved by a shift to regulation under Order 2.

According to the handler representative, the 1982 Order 1 amendment was in error in two respects. First, by re-zoning western Connecticut from Zone 7 to Zone 5 and thereby maintaining the approximately 10-cent price difference between Boston/Providence and western Connecticut, the Department failed to recognize the effect increased hauling costs should have had on the price difference between those areas. Second, the witness claimed, retention of Danbury in the same zone as other plants in western Connecticut fails to take into account

Danbury's relative proximity to the western milk supply for Order 1 and the "county plant" nature of the Danbury location. The witness described Danbury's location as between the other Zone 5 Connecticut plants and the western milk supply for Order 1 and only 3 miles from the Order 2 marketing area, with the population centers most accessible to Danbury being in New York State. He stated that other Connecticut handlers are located closer than Danbury to Connecticut population centers, and that Marcus Dairy must ship milk into those population centers in order to compete. Unless the errors of the 1982 amendment are corrected, the Marcus Dairy representative claimed, Marcus Dairy will continue to suffer a competitive disadvantage to both Order 1 handlers with whom Marcus competes in Connecticut, and its Order 2 competitors in New York.

Representatives of four proprietary handlers, two of whom are located in Zone 5, and two cooperative associations testified in opposition to Proposal No. 2. In addition, another cooperative association and a federation of cooperatives filed briefs opposing the proposed re-zoning. The opponents of the proposal denied that Marcus is subject to any competitive disadvantage in relation to either New England or New York handlers, and pointed to the growth in Marcus' sales in both New York and Connecticut to support their position. According to the opponents, the 1982 Order 1 amendment which changed the Order 1-Order 2 price difference at Danbury from 12.4 cents to 14.8 cents maintained close alignment of Order 1 and Order 2 pricing at that location. In support of their assertion that the 14.8-cent difference at Danbury does not represent any serious price misalignment, opponents of the proposition stated that there has been no significant shift of sales by Order 2 handlers into Order 1 as a result of the most recent changes to both orders, and, in fact, that there are no Order 2 handlers with sales in Connecticut.

In answer to Marcus' argument that the Danbury location should be in a lower-priced zone than the rest of western Connecticut, one witness pointed out that all of western Connecticut historically has been one zone and is a fairly contiguous metropolitan area. Another witness stated that the present Zone 5 is too small and too competitive an area to justify a 7.5-cent lower price in a small zone of townships. Several witnesses pointed out that with 75–80 percent of its sales in Connecticut, Marcus competes primarily with other Connecticut handlers. They stated that, as Marcus is a vigorous competitor in Connecticut and has expanded sales there greatly in the last few years, a 7.5-cent price advantage over other western Connecticut handlers would be unfair.

Opposing witnesses testified that the 1982 Order 1 amendment maintained stable price relationships among handlers in the former "nearby plant" zone. They supported the decision to not adjust prices further downward in a westerly direction by noting that the partial shift of the Order 1 production area from Vermont to New York, which was the basis of the zoning established by the 1978 Order 1 amendment, had reversed itself by 1981. A larger share of Order 1 production is coming from north of the marketing area now than was the case in 1977, the period on which the 1978 amendment was beased.

The 1978 decision amending the New England milk order was quoted at length by the Marcus representative in support of his proposal. In that decision the area known as the "nearby plant" zone, which included all of Connecticut, Massachusetts (except Berkshire County) and Rhode Island in a single price zone, was divided into zones to assure that milk would be moved from the "country" production areas to the primary consumption area of Boston/Providence. A key finding in that decision was that the source of milk production pooled under the New England order had been shifting from Vermont (north of Boston/Providence) to New York (west of Boston/Providence) over time, and that the shift should be reflected in price adjustments westward as well as northward. Western Connecticut was established as a lower-priced zone than Boston/Providence because "as the market shifts to greater dependence on supplies of milk from New York, it will become increasingly important to maintain a high enough price in the eastern consumption areas to attract this milk from beyond the consumption centers in the western portions of Connecticut and Massachusetts" (43 FR 45523). Greater downward price adjustments were found necessary for western Massachusetts as that area was closer than western Connecticut to the Vermont production area, as well as being much nearer than Boston/Providence to New York. There is no evidence in the present record to support a conclusion that the price difference between western Connecticut and Boston/Providence is not great enough to attract needed supplies of milk from boyond western Connecticut and Massachusetts to Boston/Providence.

There is no reason to increase the price difference between western Connecticut and Boston/Providence in order to reflect the growing importance of New York as a source of milk for the New England marketing area. As noted by opponents of the proposal, the shift of production area from Vermont to New York observed in 1978 has reversed itself. In December 1976, 28.1 percent of Order 1 producer milk was produced in New York. By December 1981, New York milk comprised only 23.4 percent of the Order 1 pool. New York production pooled under Order 1 has declined not only as a proportion of the New England pool, but in terms of volume as well. Milk produced in New York and pooled in New England declined by more than 13 million pounds from December 1976 to December 1981. Nor has the source of New York milk in Order 1 shifted from northern New York to southern New York, as suggested by Marcus. The portion of southeastern New York that is more accessible to Danbury than to other parts of the New England marketing area is the area including Delaware, Greene and Columbia Counties, and those to the south. In those counties, production declined by nearly 10 million pounds from December 1976 to December 1981, and from 43.4 percent to 39.3 percent of New York production pooled under Order 1. Production from counties north of Delaware, Greene, and Columbia declined by only 3.4 million pounds over the same period, but increased as a percentage of New York production pooled in New England from 56.6 percent to 60.7 percent. The milk from New York producers that is most readily available to Marcus Dairy has, therefore, declined not only in relation to other milk supplies pooled under the New England order, but has decreased by 20 percent in terms of volume.

At the same time, the volume of milk distributed by Marcus Dairy has increased greatly. According to the Marcus representative's testimony, the proportion of Marcus' total sales distributed within New York State has declined from 40 percent to 20–25 percent while the volume of those sales has not declined at all. A conclusion that Marcus' total sales must have at least doubled, and sales in Connecticut more than doubled, since 1978 is inescapable. As the supply of milk produced by southern New York dairy farmers for the New England market dwindles and Marcus' sales increase, the ability of Marcus Dairy to attract a sufficient supply of milk from the

southern New York area, which is its primary source of supply, becomes increasingly questionable. A reduction of the blend price paid to producers delivering milk to Danbury would appear to be unwise if Marcus is to continue to obtain a sufficient supply of milk from nearby sources.

Given the expansion of Marcus' sales during the last few years, it is difficult to justify any reduction of the Class I price at Danbury on the basis that Marcus Dairy suffers from a competitive disadvantage. The handler's pending applications to add three New York counties to its distribution area would tend to indicate that Marcus is well able to compete successfully in an area of New York State where its principal competitors are handlers from the New York City area who are subject to higher raw milk costs and handlers from more distant zones who must bear the costs of transporting packaged milk to the sales area. The fact that no New York handlers compete in Connecticut while Marcus is able to expand sales in New York, given licensing approval, is a strong reason to deny a price reduction at Danbury on the basis of inter-order misalignment in favor of New York handlers.

The record does not support a claim that Marcus Dairy is subject to a competitive disadvantage in relation to other Connecticut Zone 5 handlers. Since 1978, Marcus' sales in Connecticut have more than doubled although all of the handlers in western Connecticut have been subject to the same price adjustments for some time. 1980 Census data show that the population of western Connecticut increased by less than two percent from 1970 to 1980. Marcus Dairy's ability to gain sales in Connecticut at the expense of other handlers clearly has not been impaired by any competitive disadvantage in terms of raw milk procurement costs.

The argument that Danbury is a "country" location in relation to other Connecticut locations is not valid. In prior decisions, Hartford, which is approximately 60 miles from Danbury, has been described as a population center in the sense of being the largest city in the heavily populated area of southwestern Connecticut. Hartford is, however, not located in the center of that area, but at its northeast corner. According to the 1980 Census, Fairfield County, in which Danbury is located, is the second most populous Connecticut county, after Hartford County, by only a very small margin. New Haven County, located between Fairfield and Hartford Counties, falls in third place by less than 50,000 people. Southwestern Connecticut is, as one witness described it, a fairly contiguous metropolitan area, and plants throughout southwestern Connecticut must compete for milk supplies produced in "country" locations in Vermont and New York where the bulk of the market's milk supply is produced.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may in be conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the New England marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

List of Subjects in 7 CFR Part 1001

Milk marketing orders, Milk, Dairy products.

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA

§ 1001.2 [Amended]

In § 1001.2, under the heading "Massachusetts", the County of "Dukes" is removed.

Signed at Washington, D.C., on: May 5, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-12463 Filed 5-6-83; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1136

[Docket No. AO-309-A24]

Milk in the Great Basin Marketing Area; Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends a change affecting the classification provisions of the Great Basin Federal milk marketing order. The change would classify as Class II rather than as Class I formulas especially prepared for infant feeding or dietary use that are aseptically processed and packaged in hermetically sealed paper containers. The decision is based on an industry proposal considered at a public hearing held December 9, 1982. The recommended order amendment is necessary to reflect current marketing conditions and to assure orderly marketing in the area.

DATE: Comments are due on or before May 31, 1983.

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

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250, 202/447-7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of Sections 556 and 557 of Title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

Prior documents in this proceeding:

Notice of Hearing: Issued November 19, 1982; published November 26, 1982 (47 FR 53395).

Emergency Final Decision: Issued February 8, 1983; published February 14, 1983 (48 FR 6545).

Final Order: Issued February 23, 1983, published March 1, 1983 (48 FR 8425).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Great Basin marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before 20 days after publication in the **Federal Register.** The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment set forth below is based on the record of a public hearing held at Salt Lake City, Utah, on December 9, 1982, pursuant to notice thereof issued November 19, 1982 (47 FR 53395).

The hearing notice specifically invited interested persons to present evidence concerning the probably regulatory and informational impact of the proposals on small businesses. However, no participants at the hearing testified about any potentially adverse impacts of the proposals on small businesses.

Further, William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that the proposed amendment, if adopted, will not have a significant impact on a substantial number of small entities. The proposed amendment would promote orderly marketing of milk by producers and regulated handlers.

The material issues on the record of hearing relate to:

1. Performance standards for a pool plant that primarily processes and distributes aseptically processed fluid milk products.

2. Whether an emergency exists to warrant the omission of a recommended decision and the opportunity to file written exceptions thereto with respect to issue No. 1.

3. Permit an "exempt plant" to have part of its milk supply aseptically processed and packaged by another plant that primarily processes and distributes aseptically processed fluid milk products.

4. Classify as Class II rather than as Class I formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed paper containers.

A prior decision dealt with issues 1 and 2. The remaining issues (Nos. 3 and 4) of the hearing are considered in this decision.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

3. *Permit an "exempt plant" to have part of its milk supply aseptically processed and packaged by another plant that primarily processes and distributes aseptically processed fluid milk products.* The provisions of the order should not be amended to permit an exempt plant to have all or part of its supply aseptically processed and packaged by a pool plant for disposition for charitable purposes without the exempt plant losing its exempt status under the order.[1]

A proposal of Gossner Foods, Inc. (Gossner), a proprietary handler, would permit a plant that is exempt from the regulatory requirements of the order to have part or all of its milk supply custom packaged at a pooled UHT plant and returned to the exempt plant to be used for charitable purposes without the exempt plant losing its exempt status. The proposal was one of several proposals presented by the handler at the hearing which were designed to accommodate the operations of his new plant. The plant processes, packages, and distributes only UHT milk in hermetically sealed paper containers. Such milk requires no refrigeration for several months.

In support of the proposal, Gossner's spokesman testified that the exemption sought would be beneficial to the welfare program of the Church of Jesus Christ of Latter-Day Saints (Church) which operates an exempt plant under the order. He testified that the proposal would have no effect on the operation of the order since the milk supply associated with the Church's plant is neither priced nor pooled under the order.

The manager of processing operations of the Church testified in support of the proposal. He testified that UHT fluid milk products could become an important addition to the welfare program of the Church. The witness testified that for a number of years the Church has operated a self-supported Church-wide program for its needy members throughout the United States and Canada. He testified that the present volume of packaged fluid milk distributed through the Church's welfare program is about 30 million quarts per year. Of this total, about 22 million quarts per year are distributed to the needy in the Great Basin area, all of which is processed at its Salt Lake City exempt fluid milk plant. The witness indicated that in other parts of the country the Church purchases packaged fluid milk products from regulated plants to fulfill the requirements of its welfare program.

In further support of the proposal, the witness stated that the adoption of the proposal would enable the Church to test the feasibility of using UHT milk in its welfare program. He indicated that such evaluation would be of several months' duration so that the Church can determine whether or not to build its own UHT milk plant. Furthermore, he said that the Church in the Great Basin area has a sufficient supply of milk available from its own farms in the Great Basin area to supply the Church's entire welfare program with UHT milk.

At the hearing and in its post-hearing brief, Western Dairymen Cooperative, Inc., (WDCI)[2] opposed the proposal. The

[1] The aseptic process embraces the use of ultra high temperature pasteurization and aseptic packaging of fluid milk products in hermetically sealed paper containers. The resulting products from this process are commonly referred to as "UHT" milk. Because of the common usage of the term "UHT", reference is made in the decision to UHT milk or milk products and UHT plant.

[2] Western Dairymen Cooperative, Inc., is a federation of cooperatives consisting of Mountain Empire Dairymen's Association, Western General

federation of cooperatives argued that the effect of this proposal is to have the Great Basin pool defray part of the cost of starting up the UHT plant and the Church's experiment in determining the merits of using UHT milk in its welfare program. Furthermore, it argued that the language of the proposal could not accomplish its purported purpose and that the proposal violates the uniformity requirements of the Agricultural Marketing Agreement Act. Moreover, WDCI argued that the provision that exempts the Church was adopted on the basis that the distribution of milk to needy members was limited in scope and confined essentially to the Salt Lake City area.

Although it did not testify at the hearing, Beatrice Foods Co. (Beatrice) filed a post-hearing brief opposing the proposal. It maintained that the current order provisions are sufficient to address the proponent's need. In this regard, the handler indicated that the current order would permit the UHT plant to receive milk from the Church's plant as "other source milk" and then transfer the package UHT milk as Class I milk to the Church for its welfare distribution program. Beatrice contends that this arrangement assures that Grade A milk produced for the market is handled in a manner that is uniform among all plants.

Beatrice also argued that the proposal would result in unequal recordkeeping requirements for handlers. The handler contends that the proposal would not require the proponent to accurately account to the market administrator for the exempt milk that would be moving into and out of its plant.

The opponent contends the proposal would result in an unfair competitive advantage for the proponent. In this regard, the handler states that this is because the proponent would not incur any payment obligation under the order for the exempt milk and would benefit from the Church's effort to build a market demand for its UHT milk products. Beatrice contends that the record indicates that the proponent does not intend to process this milk for the Church free of charge. Therefore, Beatrice argues that this arrangement constitutes a commercial transaction and that it should be accounted for in the same manner as other commercial transactions under the order.

Under the present provisions of the order, a handler receiving milk from an exempt plant for custom processing and packaging is required to account to the pool for such milk as Class III. The milk returned to the operator of the exempt plant would be classified as Class I milk. Thus, the pool handler would incur a payment obligation under the order at the difference between the Class I and Class IIII prices on the milk so returned. Under this accounting procedure, such payment obligation incurred by the UHT handler would be expected to be passed on to the exempt plant operator as part of the cost of processing the milk by the pool handler.

As indicated, the intent of the proposal as presented would exempt from the order's pooling and pricing requirements any milk received by the UHT pool handler from dairy farms operated by the Church. All of such milk would be aseptically packaged in hermetically sealed paper containers as UHT milk and returned to the Church for distribution to the needy throughout the United States and Canada. Thus, adoption of the proposal would allow the UHT pool handler to custom process and package part or all of the Church's milk supply without the handler incurring any payment obligation under the order on the milk so processed. It would be expected that this would result in a lower processing and packaging charge to the Church than under the present terms of the order. Adoption of the proposal would also provide the opportunity for the Church to supply the total milk requirements of its welfare program from the milk produced on its own farms. Finally, its adoption would provide the Church the option of studying the feasibility of whether or not to build its own UHT plant facilities.

Since its inception in November 1959, the Great Basin order has completely exempted the Church's plant at Salt Lake City. In this regard, official notice is taken of the Assistant Secretary's September 1, 1959 (24 FR 7207) decision proposing a new order for the Great Basin marketing area, in which appears a discussion of the basis for providing complete exemption to the Church's operation.

An important factor that was considered in exempting the Church's processing plant from regulation was that the fluid milk products handled were being disposed of to individuals or institutions for charitable purposes rather than being disposed of commercially. Also, it was contemplated that such plant would process only the milk produced on the Church's farms and that the milk would be disposed of primarily in the local market. Through the years, the Church has continued to operate in this manner. Consequently, there is no indication that the Church's present operation is a threat to orderly and stable marketing for producers whose milk is priced under the order and for those handlers who are subject to full regulation.

The proposal under consideration, which would permit the Gossner plant to custom package "UHT" milk for the Church's "exempt plant," could result in a substantial expansion of the exempt plant's operations. As indicated, the Church desired the custom packaging arrangement so that it could distribute its own milk without refrigeration not only locally but throughout the United States and Canada. The distribution of this milk over a wide area could have an impact on producers and handlers in other markets by supplanting local milk in the other areas with the Church's UHT milk. Such widespread distribution would seriously undermine the basis for exempting the Church's plant from regulation, which was that it was essentially a local operation, and that any adverse impact from its exempt status would be limited to the local market where the exemption was approved by the area's producers.

For these reasons, it is concluded that the proposal to expand the basis of exempting the Church's plant should not be adopted. Accordingly, the proposal is denied.

In conjunction with the exemption proposal, Gossner also proposed an expansion of the "non-producer" definition to have it apply to milk produced by a charitable institution that is moved directly to another plant for custom processing and packaging as UHT milk. Since the proposal to expand the basis of exempting a charitable institution is denied, the issue raised in the non-producer proposal becomes moot.

4. *Classify as Class II rather than as Class I formulas especially prepared for infant feeding or dietary use that are aseptically packaged in hermetically sealed paper containers.* A Class II classification should apply to formulas prepared for infant feeding or dietary use that are aseptically packaged in hermetically sealed paper containers.

Although not marketed at the present time in hermetically sealed paper containers, any such products so marketed would be classified as Class I under the order. However, the present order excludes from the fluid milk product definition milk or milk products used for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

A proposal to change the "fluid milk product" definition was made by

Dairies, Inc., Dairymen's Cooperative Association, Lake Mead Cooperative Association, Black Hills Milk Producers Association and Ft. Collins Milk Producers Association.

Gossner. The proposal was one of several proposals made by the handler to accommodate the operations of its new UHT plant. Proponent's witness testified that Gossner expects to process for distribution in the near future formulas especially prepared for infant feeding or dietary use that are processed with ultra-high temperatures and aseptically packaged in hermetically sealed paper containers. In his opinion, there is no basis for making any distinction in classification among the various types of containers that are used to package such formulas. The witness argued that in terms of shelf life and competition for unrefrigerated shelf space, hermetically sealed paper containers are equivalent to such products packaged in glass or metal containers.

At the hearing and in its post-hearing brief, WDCI opposed the proposal. The basis of such opposition focused on the belief that the adoption of the proposal could result in the classification as Class II of certain products that are normally classified as Class I. Opponent expressed particular concern that fluid skim products could be packaged and labeled as dietary products and thus would be classified as Class II under the proposal. Finally, opponent's witness argued that no action should be taken on the proposal until after the UHT operator has had actual experience in marketing UHT dietary and infant feeding formulas in competition with similar products that are packaged in hermetically sealed glass or all metal containers.

Infant and dietary formulas, which now are sold only in hermetically sealed glass or all-metal containers, are specialized food items prepared for a very limited use. Such formulas do not compete with fluid milk beverages consumed by the general public. It is within this conceptual framework that any milk or milk products used in the production of such formulas in glass or metal containers are now excluded from the "fluid milk product" definition and classified as Class II.

When the provision for such exclusion from the "fluid milk product" definition was developed, such formulas were only packaged in hermetically sealed glass and metal containers. With the advent of UHT milk, dietary and infant feeding formulas can now be aseptically packaged in hermetically sealed paper containers. Such products can compete to a reasonable extent with glass or metal containers in terms of unrefrigerated shelf life.

It is appropriate, therefore, to remove from the "fluid milk product" definition dietary and infant feeding formulas that are aseptically packaged in hermetically sealed paper containers and specifically include such products in Class II. This will allow the UHT milk processor to compete for dietary and infant feeding formula business on a comparable basis with such formulas packaged in glass or all-metal containers.

As noted earlier, WDCI expressed concern that the adoption of this proposal would facilitate the circumvention of the Class I pricing provisions of the order through mislabeling of products. While this seems unlikely, this matter can be reviewed through the hearing process should experience indicate that there is some problem.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interests; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Great Basin marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1136—[AMENDED]

1. In § 1136.15, paragraph (b)(1) is revised to read as follows:

§ 1135.15 Fluid milk product.

* * * * *

(b) * * *

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass, paper, or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

* * * * *

2. In § 1136.40, paragraph (b)(4)(vi) is revised to read as follows:

§ 1136.40 Classes of utilization.

* * * * *

(b) * * *

(4) * * *

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers or aseptically packaged in hermetically sealed paper containers.

* * * * *

List of Subjects in 7 CFR Part 1136

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C., on: May 5, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-12332 Filed 5-9-83; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 1139

Milk in the Lake Mead Marketing Area; Notice of Proposed Suspension of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed suspension of rules.

SUMMARY: This notice invites written comments on a proposal to suspend certain diversion provisions of the Lake Mead Federal milk order for May through July 1983. The proposed suspension would remove the requirement that 20 percent of a dairy farmer's monthly milk production be received at a pool plant in order for the remaining production to be eligible to be moved directly from the farm to nonpool manufacturing plants and still be priced and pooled under the order. The suspension was requested by a cooperative association to reduce hauling costs in disposing of an increased supply of milk that is not needed for fluid use.

DATE: Comments are due not later than May 17, 1983.

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

FOR FURTHER INFORMATION CONTACT: Robert F. Groene, Marketing Specialist, Dairy Division, Agricultural Marketing Service U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-4824.

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

It has been determined that any need for suspending certain provisions of the order on an emergency basis precludes following certain review procedures set forth in Executive Order 12291. Such procedures would require that this document be submitted for review to the Office of Management and Budget at least 10 days prior to its publication in the **Federal Register**. However, this would not permit the completion of the required suspension procedures and the inclusion of May 1983 in the suspension period if it is found necessary. The initial request for this action was received on April 27, 1983.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to insure that dairy farmers would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

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

1. In § 1139.13(d)(2), the language "from whom at least 20 percent of his milk production is received during the month at a pool plant".

2. In § 1139.13(d)(3), the language "from whom at least 20 percent of his milk production is received during the month at the pool plant".

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file two copies of such material with the Hearing Clerk, Room 1077, South Building, United States Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the publication of this notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include May 1983 in the suspension period.

The comments that are received will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.23(b)).

Statement of Consideration

This proposed action would make inoperative for May through July 1983 the requirement that a portion of a dairy farmer's monthly milk production be received at a pool plant in order for the remaining production to be eligible to be diverted directly from the farm to nonpool plants and still be priced and pooled under the order. The order now provides that 20 percent of a dairy farmer's production must be received at a pool plant in order for the remaining production of the producer to be eligible for diversion by a cooperative association or other handlers.

The action was requested by the Lake Mead Cooperative Association, which supplies a substantial part of the market's fluid milk needs and handles most of the market's reserve supplies. The cooperative association requested the suspension to provide for greater efficiencies in handling the market's reserve milk supply.

The need to handle an increasing quantity of reserve milk supplies is a result of a continuing imbalance between the market's fluid milk requirements and the milk supplies available from producers. The cooperative indicates that milk production continues to be heavy without a corresponding increase in sales to fluid milk outlets. As a result of these marketing conditions, the order limits on the quantity of milk that may be moved directly from farms to nonpool plants and still be priced under the order were suspended for the months of April through July 1983 (48 FR 16028). A similar suspension has been in effect since April 1982 (47 FR 17036, 47 FR 38496, 47 FR 55201).

Although the diversion limitations are currently suspended, the order still requires that 20 percent of a dairy farmer's monthly milk production must be received at a pool plant in order for the remaining quantity to be eligible for diversion to nonpool plants. As a result, the cooperative contends that substantial quantities of the milk of individual producers who are located farthest from the market must be shipped to pool plants solely for diversion qualification purposes. The shipment of distantly located milk supplies to pool plants displaces the milk of other producers who are located nearer to the distributing plants. Such milk must then be shipped to distant outlets for surplus disposal. Thus, the cooperative contends that it incurs unnecessary hauling costs because of the need to qualify the milk of its member producers to be eligible for diversion to nonpool plants. The cooperative indicates that suspension of this requirement would eliminate costly and inefficient movements of producer milk that are made solely for the purpose of pooling the milk of dairy farmers who have been regularly associated with the market.

The cooperative requested the suspension until a more permanent regulatory solution to the supply-demand imbalance in the market could be formulated based on the record of a public hearing. It is expected that a hearing will be held in the near future to consider proposals to amend the order to accommodate current marketing conditions.

List of Subjects in 7 CFR Part 1139

Milk marketing orders, Milk, Dairy products.

Signed at Washington, D.C. on: May 5, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-12494 Filed 5-7-83; 8:45 am]

BILLING CODE 3410-02-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Parts 556 and 563

[No. 83-244]

Interstate Transactions Involving Insured Institutions

AGENCY: Federal Home Loan Bank Board.

ACTION: Proposed rule.

SUMMARY: The Federal Home Loan Bank Board ("Board") is proposing to adopt a rule regarding interstate transactions involving institutions the accounts of which are insured ("insured institution") by the Federal Savings and Loan Insurance Corporation ("FSLIC" or "Corporation"). In supervisory cases, that rule generally would follow and clarify the Board's current policy, applicable to federal institutions, to permit interstate supervisory mergers, acquisitions, consolidations, and transfers of assets involving insured institutions. The Board also proposes to permit nonsupervisory interstate mergers, acquisitions, and establishment of branches where state law specifically permits entry by out-of-state institutions. This proposed change of policy is intended by the Board to address issues raised by recent and continuing changes in the financial services industry.

DATES: Comment period: July 11, 1983.

ADDRESS: Send comments to Director, Information Services Section, Office of the Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, D.C. 20552. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Please contact Gayle Radley, Attorney, Division of Corporate and Regulatory Structure, Office of General Counsel, (202) 377-6961, Federal Home Loan Bank Board, at the above address.

SUPPLEMENTARY INFORMATION: The proposed rule embodies the policy of the Board, as operating head of the FSLIC, regarding permissible interestate transactions for insured institutions, *e.g.*, the establishment of a branch office in a state other than the state in which an institution's home office is located.

Background

Section 5 of the Home Owners' Loan Act of 1933 (12 U.S.C. 1464) ("HOLA") grants the Board plenary authority to regulate the operations and activities of federal savings and loan institutions. Although the HOLA did not specifically address the Board's authority to permit branching until the passage of the Garn-St Germain Depository Institutions act of 1982 ("The Garn-St Germain Act" or "DIA"). The Board has always had the authority to regulate branching of federal associations both on an intrastate and an interstate basis. *See IBAA* v. *Federal Home Loan Bank Board*, Civ. No. 82-0508 (D.D.C. Aug. 4, 1982).

Accordingly, the Board has permitted federally chartered institutions to branch since 1937, 2 FR 825-26 (May 14, 1937), although its first statement of policy on branching was not adopted until 1967, 32 FR 20630-31 (Dec. 21, 1967). In 1972, the Board amended that policy to emphasize its preference for intrastate operations by stating that generally it would not approve applications for interstate branches, 37 FR 3987 (February 25, 1972). The policy statement made it clear, however, that the Board maintained its discretionary statutory authority to permit interstate branching.

This general policy has been modified because of the financial difficulties facing the thrift industry in recent years. From the beginning of 1980 through March 1983, th FSLIC arranged 354 supervisory mergers, many of which required FSLIC financial assistance. These transactions reflected the Corporation's need to protect the limited resources of its insurance fund by merging the most seriously financially weakened savings institutions with stronger institutions. In some of these cases, intrastate mergers could not be accomplished without increased risk and substantial cost to the insurance fund.

In response to these circumstances, the Board has amended its branching policy statement three times in the last two years to specifically authorize interstate operations by federally chartered institutions in supervisory cases. *See* Board Resolutions Nos. 82-498, 47 FR 34125 (Aug. 6, 1982); 81-157, 46 FR 19221 (Mar. 30, 1981); and 81-496, 46 FR 45120 (Sept. 10, 1981). These amendments enabled the FSLIC to draw from a wider range of merger partners to arrange interstate transactions in supervisory situations where acceptable merger partners could not be found in-state.

Current Board Policy

The current policy regarding branching by federal institutions, set forth at § 556.5 of the Regulations for the Federal Savings and Loan System ("Federal Regulations"), recognizes the Board's authority to permit interstate branching by federal institutions. While the Board has generally preferred intrastate transactions and its policy statement generally proscribes interstate transactions, the Board has approved acquisitions, mergers, and similar transactions that result in interstate operations in those cases where affirmative action by the FSLIC is necessary to prevent failure of an insured institution.

Under the current policy statement, an interstate transaction may be approved subject to the following conditions: (1) the interstate acquisition must be made in connection with action by the FSLIC to prevent the failure of an insured institution; (2) the FSLIC must determine that the insurance risk or cost to its fund would be reduced by the interstate transaction; and (3) there must be no equally desirable intrastate acquisition available that would pose a substantially lesser insurance risk or cost to the FSLIC. Institutions that establish interstate operations by virtue of supervisory transactions may thereafter open additional branches, merge with, acquire the assets of, or acquire another healthy institution in the newly entered state, subject to the same branching guidelines that apply to a federal institution with its home office in that state.

The Garn-St Germain Act

Congress responded to the changing competitive environment and to the financial crisis in the thrift industry by enacting the DIA. Among other things, the DIA reinforced the Board's existing plenary authority to approve branching by federally chartered institutions and expanded the authority of the Board to approve interstate activities resulting from transactions involving state-chartered insured institutions and savings and loan holding companies.

Section 334 of the DIA added a new paragraph (r) to Section 5 of the HOLA which specifically confirms the Board's authority to regulate interstate branching. Section 5(r) does, however,

limit the permissible branching the Board can authorize for federal institutions by providing that no institution can operate a branch outside the state in which the institution has its home office, unless it qualifies as a domestic building and loan association under Section 7701(a)(19) of the Internal Revenue Code ("IRC") or meets the asset-composition test imposed by that IRC section. Further, all of the institution's assets located in the new state must meet the IRC standards for a qualified building and loan association. The statute, however, establishes certain exceptions to this provision. It grandfathers existing nonconforming branches and permits an institution to retain branches acquired under the emergency thrift acquisition authority set out in Section 123 of the DIA. Moreover, Section 5(r) exempts from the IRC restrictions interstate branches in those states where state law would permit the interstate branch regardless of conformance with IRC standards.

Section 123 of the Garn-St Germain Act created a new Section 408(m) of the National Housing Act ("NHA") to specifically authorize the FSLIC to override any state or federal law (other than the antitrust laws) that would prevent a financially troubled, insured institution from merging with any other insured institution or a bank insured by the Federal Deposit Insurance Corporation ("FDIC"), or being acquired by any person or company, including a bank holding company. Where an insured institution is acquired by a bank or a bank holding company, or where the home office of the acquired savings institution is not in the same state as the bank holding company's banking subsidiary, the institution is subject to national bank branching restrictions. Among other things, this section of the DIA requires that in the case of a minority-controlled institution, the FSLIC shall seek offers from other minority-controlled institutions before proceeding with the priorities established to evaluate alternative transactions governed by Section 123.

Proposed Rule on Interstate Transactons

In light of the dramatic changes that are occurring in the financial services industry which allow the movement of funds and transfer of financial services across the country in a matter of moments, the continued, nationwide competition from unregulated financial companies, and the financial crisis in the thrift industry, the Board is reevaluating its policy on interstate transactions and considering the adoption of a new policy in the form of a regulation applicable to all insured institutions.

The Board is aware that state-chartered thrift institutions already are able to establish branch offices *de novo*, by merger or acquisition on a nonsupervisory basis in a state that permits such entry by an out-of-state institution. In fact, some state-chartered thrifts are permitted by their state law, subject to FSLIC approval under the Savings and Loan Holding Company Act, 12 U.S.C. 1730a (the "Holding Company Act") to acquire out-of-state institutions as subsidiaries under their investment leeway authority. Thus, it appears that if federal thrifts are not permitted to branch to the same extent as their state-chartered competitors, they will operate at a competitive disadvantage with those state-chartered institutions.

This proposal would permit the establishment of interstate branch offices, whether *de novo*, by merger, acquisition, or otherwise, on a nonsupervisory basis where state law authorizes the transaction (*i.e.*, a "host state" approach). Under this host state approach, an insured institution headquartered or located in one state could acquire the assets of or merge with an institution having its home office in another state. Similarly, an out-of-state insured institution could establish a *de novo* branch in such a host state. In addition, this host state approach would govern FSLIC authorization under the Holding Company Act of an acquisition of an insured institution headquartered or located in one state by an insured institution, or a savings bank the accounts of which are insured by the FDIC, that is headquartered or located in a second state. An institution that acquires branches in a new state pursuant to this proposed regulation would be permitted to expand its operations within the new state to the same extent as could any other federal association headquartered or located in that state.

The Board believes that this approach to interstate transactions is consistent with the intent of Section 334 of the DIA, which limits interstate branching by federal institutions to branches that meet IRC-type requirements, except where such branches would be otherwise permitted by state law. At the same time, however, the Board specifically requests comments regarding the need for or advantages of adopting conditions to restrict interstate branching; *e.g.*, requiring reciprocal state laws that permit interstate transactions.

The proposed regulation also clarifies that the Board will permit a supervisory transaction that involves the interstate consolidation of insured institutions owned substantially in their entirety as of April 26, 1983, by the same individual or group of individuals. In addition, the Board is proposing to give out-of-state institutions that have established an in-state presence pursuant to supervisory or nonsupervisory acquisitions, priority over other out-of-state institutions when evaluating competing proposals in supervisory cases.

Nothing in this regulation should be interpreted as conflicting with the provisions of Title I of the DIA, especially Section 123, the terms and conditions of which will be applied by the Board where it is required to do so. Finally, this proposal does not otherwise affect the authority or restrictions applicable to the acquisition of an insured institution under the National Housing Act by a depository institution (other than an insured institution or an FDIC-insured savings bank), a multiple S&L holding company, or any other company.

As a general matter, the Board believes that deferral to state law would not unduly disrupt FSLIC supervisory activities and would recognize the interest and significance of state law in interstate transactions. The Board further recognizes that the pace of development in the regulated financial services industry raises significant questions regarding the advantages and appropriateness of absolute restrictions on interstate transactions which may act as artificial barriers to competition.

Home Offices

Finally, the Board proposes to permit an institution with its home office in one state to redesignate its home office to another state where it has a grandfathered branch office. However, the institution could not, thereafter, branch further in the state to which it has moved its home office solely upon the rationale that such state is now the state of the institution's home office.

List of Subjects in 12 CFR Parts 556 and 563

Interstate operations, Branching, Mergers, Acquisitions, Consolidation of subsidiaries, Transfer of accounts.

Initial Regulatory Flexibility Analysis

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Board is providing the following initial regulatory flexibility analysis:

1. *Reasons, objectives, and legal basis underlying this proposed rule.* These factors are discussed elsewhere in the supplementary information.

2. *Small entities to which the proposed rule will apply.* The proposed rule will apply only to savings and loan institutions the accounts of which are insured by the FSLIC.

3. *Impact of the proposed rule on small institutions.* It is not anticipated that the proposed rule will have a significant impact on small institutions because, in the absence of the proposed rule, most of the transactions which the proposed rule would permit could be effectuated by a state-chartered institution.

4. *Overlapping or conflicting federal rules.* There are no known federal rules that may duplicate, overlap, or conflict with the proposed rule.

5. *Alternatives to the proposed rule.* The proposed rule would relieve existing or apparent restrictions on the regulated industry; thus, there are no alternatives that would have a lesser impact on small entities.

Accordingly, the Board hereby proposes to amend Part 556 of Subchapter C, and Part 563 of Subchapter D, Chapter V of Title 12, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 556—[AMENDED]

1. Amend § 556.5 by revising paragraph (a)(3) as follows:

§ 556.5 Establishment of branch offices.

(a) * * *

(3) Except as provided in § 571.15 of Subchapter D regarding interstate transactions involving insured institutions, the Board generally will approve the establishment of a branch office only in the state in which the home office of the institution is located. For purposes of this section the term home office will have the same meaning as it does in 571.15(c)(4).

* * * * *

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 563—[AMENDED]

2. Add a new § 563.22-1 as follows:

§ 563.22-1 Interstate transactions involving insured institutions.

(a) *Interstate transactions.* An "interstate transaction" shall mean a transaction whereby an insured institution, including an insured institution acting as a holding company, acquires a full service corporation, of the nature available at a branch office of an insured institution, in a state other than the state in which it is headquartered. A savings bank the accounts of which are insured by the Federal Deposit Insurance Corporation ("FDIC") that is involved in a transaction with an insured institution shall be deemed to be an insured institution for the purpose of this section.

(b) *Supervisory interstate transactions.* (1) The Corporation may authorize the establishment of a branch office by an insured institution, which is not headquartered or located in the same state as such branch office, by merger, consolidation, transfer of assets and assumption of liabilities, acquisition, or similar transaction. In addition, the Corporation may authorize an insured institution to acquire, either directly or indirectly through a subsidiary, an insured institution which is headquartered or located in a state other than the state in which such acquiring insured institution is headquartered or located.

(2) The transactions governed by paragraph (b)(1) of this section may be authorized only under the following circumstances:

(i) the branch or insured institution will be acquired in connection with an action taken by the Corporation to (A) prevent the default of an insured institution, (B) restore an insured institution in default to normal operation, or (C) lessen the risk to the Corporation posed by an insured institution threatened by instability, when severe financial conditions exist which threaten the stability of a significant number of insured institutions or of insured institutions possessing significant resources;

(ii) the Corporation determines that its insurance liability or risk, including cost or potential cost, will be reduced as a result of the interstate transaction; and

(iii) no otherwise equally desirable non-interstate transaction has been determined by the Corporation to have been submitted.

(3)(i) Where a minority-controlled institution meets the standards set forth in (A), (B), and (C) of subsection (b)(2)(i) of this section, the Corporation will seek an offer from other minority-controlled institutions.

(ii) For the purpose of making a finding under paragraph (b)(2)(iii) of this section, an insured institution will be considered to be within any state in which it has a branch office.

(4) Notwithstanding the conditions set out in this paragraph (b), the Corporation may, in its discretion, approve the consolidation of insured institutions located in different states where (A) each transaction conforms to the standards of subsections (2) (ii) and (iii) of this paragraph (b), and (B) since April 26, 1983, at least 90 percent control of each of the institutions involved has been held by the same individual or group of individuals acting in concert to control such institutions.

(c) *Nonsupervisory transactions.* (1) The Corporation may authorize an insured institution which is headquartered or located in another state to establish a branch office in a state the law of which specifically authorizes the transaction by which the branch office is established ("host state approach"). If permitted by such state law, the branch office may be established *de novo* or by merger, consolidation, transfer of assets and assumption of liabilities, acquisition, or similar transaction. In addition, the Corporation may authorize under the same host state approach an insured institution headquartered or located in another state to acquire, either directly or indirectly through a subsidiary, an insured institution or similar depository institution headquartered or located in a state.

(2) The Corporation may authorize transactions that involve the establishment or acquisition of additional branch offices of an insured institution in any state in which the insured institution has already established an authorized branch in accordance with this section or its predecessor, section 556.5 of subchapter C.

(3) The Corporation may authorize the consolidation of some or all of the insured-institution subsidiaries controlled since February 14, 1968, by a multistate savings and loan holding company.

(4) An insured institution may designate as its home office a branch office it has in another state. If the institution's branch office(s) in such other state were achieved otherwise than in accordance with this section or its predecessor, section 556.5 of Subchapter C, however, the institution may not branch further in its new home-office state on the basis that such state is now the state of the institution's home office. For the purpose of future branching, the institution's former home-office state will continue to be viewed as the state of its home office.

(Sec. 5 of the Home Owners' Loan Act 48 Stat. 132 (12 U.S.C. 1464); secs. 402, 403, 406, 407, and 408 of the National Housing Act, 12 U.S.C. 1725, 1726, 1729 1730, and 1730a;

Reorg. Plan No. 3 of 1947, 12 FR 4981; 3 CFR 1071 (1943–48 Comp)))

Dated: April 26, 1983.

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 83-12336 Filed 5-9-83; 8:45 am]

BILLING CODE 6720-01-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 116

Policies of General Application; Flood Insurance Protection; Floodplain Management and Wetlands Protection

AGENCY: Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Small Business Administration is publishing its proposed amendments to Part 116 of the Code of Federal Regulations (13 CFR Part 116).

The proposal would eliminate the requirement that all SBA borrowers purchase flood insurance if it is made available during the term of the loan, and amends the regulation to include insurance against mudslides and soil erosion (13 CFR 116.11 (a) and (b)).

The proposal would require disaster borrowers to purchase such insurance in an amount equal to the insurable value of the property or the maximum amount available. (13 CFR 116.11(c)).

The proposal also increases the loan amount under which SBA may waive the 8-step decision-making process, on a case-by-case basis, to determine adverse effects or incompatible development on wetlands or in a floodplain (13 CFR 116.32(a)(6)).

The proposal would also amend the "Purpose and Scope" section to conform it to current program conditions (13 CFR 116.10). It would further amend the section on "Related Regulations" to conform it to the current regulations of the Federal Emergency Management Agency.

DATE: Comments must be received on or before June 9, 1983.

ADDRESS: Written comments are to be submitted in duplicate to the Deputy Associate Administrator for Financial Assistance, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, 202–653–6879.

SUPPLEMENTARY INFORMATION: The following sections of Part 116 of 13 CFR would be amended by this proposal:

Section 116.10: The existing regulation fails to include Certified Development Companies (section 503 of the Small Business Investment Act, 15 U.S.C. 697) within the scope of this Part. The cited statute was enacted in July, 1980 (Pub. L. 96–302), whereas this § 116.10 of the regulations was promulgated in 1978 (43 FR 32128) and has not been amended since. The proposed amendment would cure this omission, but does not create a new requirement since the Flood Disaster Protection Act of 1973 mandates such inclusion. The proposed amendment also omits references to SBA programs which exist no longer, or have been merged into other listed programs.

Section 116.11(a): The existing regulation requires SBA disaster borrowers who have obtained loans at a time when flood insurance is not available in their localities to purchase flood insurance if it becomes available during the term of the loan. The Agency is not administratively able to enforce this requirement, which is not required by the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001 *et seq.*), the basis for this subpart of Part 116. The reason for this inability is that neither borrowers nor SBA are always aware of the availability of flood insurance in a given locality because of the manner in which such areas are designated. Borrowers have been and will continue to be required to purchase such insurance if it is available prior to loan disbursement.

Section 116.11(b) would be amended to provide that SBA will not provide, directly or indirectly, disaster assistance to applicants located in special hazard areas, including those which are prone to mudslides and soil erosion, unless the community is participating in the Federal insurance program, or less than a year has elapsed since the community was advised of the availability of such program in the area. This change would conform the regulation to Federal Emergency Management Agency regulations, 44 CFR 64.3.

Section 116.11(c): The existing regulation merely requires a prospective borrower under all SBA financial assistance programs to provide and maintain flood insurance in the amount of the SBA loan balance, even if greater amounts are available and the insurable value of the collateral for the loan is also greater. As a result, SBA is sometimes called upon to provide subsequent disaster assistance which would not be necessary if the borrower had purchased the additional available insurance. The amendment would require borrowers to purchase the maximum amount of insurance available under the National Flood Insurance Act of 1968 not to exceed the insurable value of the property. It would further the purpose of the national flood insurance program by providing that all borrowers located in a special flood hazard area share the risk of such locations and are covered to the extent of their possible loss. It also would better protect SBA's collateral position with respect to collateral for a given loan. Many times the agency is not the first lienholder and in fact may be subordinated to more than one lien. This requirement will assure that the value of SBA's collateral is protected from floods in flood prone locations. This amendment would also benefit disaster victims by reducing the amount of debt they must incur due to a subsequent disaster.

This proposal will have an economic effect on all SBA borrowers, businesses as well as home owners, where the amount of the loan is less than the insurable value of the property. The additional cost for each borrower will be the difference between the flood insurance premiums for insurance in the amount of the SBA loan and the premiums for insurance in the amount of the insurable value of the property (or maximum insurance available, whichever is lower). Because of the impossibility of forecasting the time, magnitude or location of disasters, it is not feasible to estimate the total number of borrowers who will be located in flood prone areas nor the gross additional cost to any single borrower or all borrowers as a group. However, the gross amount of additional cost could be significant.

SBA, as indicated above, seeks to ensure its collateral for a given loan and avoid multiple loans to the same flood prone borrower by promulgating this requirement. In doing so, SBA is convinced that the benefits of the proposal outweigh its costs. The only reasonable alternative to this proposal is to continue the existent regulation, which has proved unsatisfactory. There are no additional recordkeeping or reporting requirements inherent in this proposal, and it does not contradict, overlap or duplicate any other existent regulations of statutes.

Section 116.12: This section incorrectly cites the related regulations. The amendment would conform the section to current regulations.

Section 116.32(a)(6): The existing regulation lists 6 actions which typically do not create adverse effects or incompatible development on wetlands or in floodplains. Therefore the full 8-step decision-making process [required by §116.35, implementing Section 2(a) of

Executive Order 11988] may be waived on a case-by-case basis in instances of these actions. One such action is "all SBA loan assistance of $300,000 or less." This regulation was promulgated May 24, 1978 (43 FR 22298). Due to inflation and the great increase in construction costs, the increased amount of $500,000 would more properly reflect the amount of construction contemplated by the regulation when it was promulgated. This amendment will relieve applicants for loans in the $300,000 to $500,000 range of the need to supply SBA with the necessary information and studies for the implementation of the prescribed decision-making process, and consequently will reduce both the cost and the time required to process such loan applications.

Except to the extent indicated above with respect to the revision of §116.11(c), these proposed regulations, if promulgated in final form, either singly or as a whole, would not have a significant economic impact on a substantial number of small entities. In addition, they do not constitute major regulations for the purpose of Executive Order 12291. To the extent that the revision of § 116.11(c) could have a significant economic impact or constitute a major rule, the statement above as to its potential effect is provided as a regulatory analysis for the purposes of the Regulatory Flexibility Act and E.O. 12291.

List of Subjects in 13 CFR Part 116

Flood insurance, Flood plains, Lead poisoning, Small businesses, Veterans.

Accordingly, pursuant to the authority of § 5(b)(6) of the Small Business Act (15 U.S.C. 631 *et seq*), Subparts B and D of Part 116, Chapter 1, Title 13 of the Code of Federal Regulations are proposed to be amended as follows:

Subpart B

PART 116—[AMENDED]

Section 116.10 would be revised to read as follows:

§ 116.10 Purpose and scope.

This subpart is established by the SBA to implement the Agency's responsibilities under section 102(a) of the Flood Disaster Protection Act of 1973, which prohibits Federal financial assistance for acquisition or construction purposes in special flood hazard areas (as designated by the Federal Emergency Management Administration, formerly by the Secretary of Housing and Urban Development), when persons in such areas are eligible for flood insurance which has been made available under the National Flood Insurance Act of 1968, and have not obtained such insurance. The following programs are subject to the legislation: 7(a) Business loans, 7(b) disaster loans, Sections 501, 502 and 503 development company loans, lease guarantees, small business investment companies and pollution control guarantees.

Section 116.11 would be amended by revising paragraphs (a), (b) and (c) to read as follows:

§ 116.11 Requirements.

(a) *General.* Flood insurance is required of a recipient of SBA direct or indirect assistance for construction purposes as defined in paragraph (d) of this section on the basis of its availability at the time of approval of a loan.

(b) *Community Participation in Insurance Program.* On and after July 1, 1975, no financial assistance will be authorized by which SBA would provide direct or indirect assistance to an applicant located in an identified special hazard area, including an area of mudslides and flood-related erosion as defined in Title 44, Code of Federal Regulations, § 59.1, unless (1) the community in which said applicant is located is participating in the flood insurance program or (2) less than a year has elapsed since the community was formally notified of the identification of a special flood hazard area within its boundaries.

(c) *Amount of coverage required.* The amount of flood insurance required is the maximum flood insurance available under the National Flood Insurance Act of 1968, as amended, but not to exceed the insurable value of the property.

* * * * *

Section 116.12 would be revised to read as follows:

§ 116.12 Related regulations.

It is the intent of the SBA that this Subpart B be administered in a manner consistent with regulations issued by the Federal Emergency Management Agency (44 CFR Parts 59–77).

Subpart D

Section 116.32 would be amended by removing from paragraph (a)(6) thereof: "$300,000" and inserting in place thereof "$500,000".

(Catalog of Federal Domestic Assistance Programs No. 59.008, Physical Disaster Loans)

Dated: April 1, 1983.

James C. Sanders,

Administrator.

FR Doc. 83-12348 Filed 5-9-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 4 and 11

[Docket No. RM83-13-000]

Annual Charges for Use of Government Dams and Other Structures Under Part I of the Federal Power Act; Extension of Time for Comments

May 5, 1983.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: On March 31, 1983, the Commission issued a Notice of Proposed Rulemaking involving annual charges for use of government dams and other structures under Part I of the Federal Power Act (48 FR 15134, April 7, 1983). The comment period is being extended at the request of the Annual Charges Policy Group and Idaho Power Company.

DATE: Comments must be submitted on or before July 15, 1983.

ADDRESS: Submit comments to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC. 20426.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, (202) 357–8400.

Kenneth F. Plumb,

Secretary.

Annual Charges for the Use of Government Dams and Other Structures Under Part I of the Federal Power Act: Docket No. RM83–13–000; notice of extension of time.

May 5, 1983.

On April 15, 1983 and April 28, 1983, the Annual Charges Policy Group (ACPG) and Idaho Power Company (Idaho) filed respective motions for an extension of time to file comments in response to the Commission's Notice of Proposed Rulemaking issued March 31, 1983, in the above-docketed proceeding. The ACPG's motion states that because of the complexity of the issues involved in this proceeding, the ACPG requires additional time to perform a comprehensive analysis of the proposed rule and also to review data and information developed at the technical conference which was recently held in this proceeding. The ACPG's motion further states that the National Water Resources Association supports this

extension request. Idaho's motion states that the company requires additional time in order to analyze the proposed rule.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including July 15, 1983.

[FR Doc. 83-12495 Filed 5-9-83; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 158

[Docket No. 83-0110]

Quick Frozen Cauliflower; Advance Notice of Proposed Rulemaking on the Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is offering to interested persons an opportunity to review the Codex Standard for Quick Frozen Cauliflower (Codex standard) developed by the Codex Alimentarius Comission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by July 11, 1983.

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

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

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen cauliflower.

As a member of the Codex Alimentarius Commision, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to acceptance at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the Act) applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) Or to revise an existing standard to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen cauliflower. Ther are only voluntary grade standards for marketing frozen cauliflower, including identity and quality requirements, developed by the U.S. Department of Agriculture.

Under the procedure prescribed in § 130.6(b)(3) (21 CFR 130.6(b)(3)), FDA is providing an opportunity for review and informal comment: (1) On the need for and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard (Codex standard 111-1981) and any modifications that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, FDA will inform the Codex Alimentarius Commission that an imported food that complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, that are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act. Rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for quick frozen cauliflower specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of "Official Methods of Analysis of the Association of Official Analytical Chemists," when these are available in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under § 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

List of Subjects in 21 CFR Part 158

Food standards, Frozen vegetables, Vegetables.

The Codex standard under consideration is as follows:

Codex STAN 111-1981—Codex Standard for Quick Frozen Cauliflower Worldwide Standard

1. *Scope.*

This standard shall apply to quick frozen cauliflower of the species *Brassica oleracea* L. *var. botrytis* L. as defined below and offered for direct consumption without further processing, except for re-packing, if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes.

2. *Description.*

2.1 *Product Definition.*

Quick frozen cauliflower is the product prepared from fresh, clean, sound heads of the cauliflower plant conforming to the characteristics of the species *Brassica oleracea* L. *var. botrytis* L., which heads may be trimmed and separated into parts, and which are washed and sufficiently blanched to ensure stability of colour and flavour during normal marketing cycles.

2.2 *Process Definition.*

2.2.1 Quick frozen cauliflower is the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization.

2.2.2 The recognized practice of re-packing quick frozen products under controlled conditions is permitted.

2.3 *Handling Practice.*

The product shall be handled under such conditions as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. It is recommended that during storage, transportation, distribution and retail, the product be handled in accordance with the provisions in the *Recommended International Code of Practice for the Processing and Handling of Quick Frozen Foods* (Ref. No. CAC/RCP 8–1976).

2.4 *Presentation.*

2.4.1 *Style.*

(a) Whole—the whole, intact head, which is trimmed at the base and which may have attached small, tender, modified leaves.

(b) Split—the whole head, cut vertically into two or more sections.

(c) Florets [1]—segments of the head, which may have a portion of the secondary stem attached, measuring at least 12 mm across the top in the greatest dimension. A maximum tolerance of 20 percent m/m is permitted for units in which the greatest dimension across the floret is more than 5 mm and less than 12 mm. Small, tender modified leaves may be present or attached to the units.

2.4.2 *Other Styles.*

Any other presentation of the product shall be permitted provided that it:

(a) is sufficiently distinctive from other forms of presentation laid down in this standard;

(b) meets all other requirements of this standard;

(c) is adequately described on the label to avoid confusing or misleading the consumer.

2.4.3 *Sizing.*

2.4.3.1 Quick frozen cauliflower florets may to presented sized or unsized.

2.4.3.2 If presented as size graded they shall conform to the following specifications:

(a) *Large florets*—segments of head measuring at least 30 mm across the top in the greatest dimension and of which a portion of secondary stem may be attached. Small tender modified leaves may be present or attached to the unit.

(b) *Small florets*—segments of head measuring at least 12 mm but less than 30 mm across the top in the greatest dimension and to which a small portion of secondary stem may be attached. Small tender modified leaves may be present or attached to the unit.

2.4.4 *Tolerances for Sizes.*

2.4.4.1 When cauliflower is presented as sized, a tolerance of 20 percent by weight is permitted as not conforming to the size indicated on the package.

2.4.4.2 *Standard Sample Size.*

The standard sample size shall be 500 g.

2.4.5 *Definition of "Defective" for Presentation.*

Any sample unit which fails to comply with the sizing requirements of Section 2.4.4. shall be regarded as defective.

2.4.6 *Lot Acceptance for Presentation Factors.*

A lot will be considered acceptable with respect to sizing when the number of "defectives" as defined in section 2.4.5 does not exceed the acceptance number (c) for the appropriate sample size as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (Ref. No. CAC/RM 42–1969).

3. *Essential Composition and Quality Factors.*

3.1 *Optional Ingredients.*

Salt (sodium chloride);

Condiments, such as spices and herbs.

3.2 *Quality Factors.*

3.2.1 *General Requirements.*

Quick frozen cauliflower shall be:

—of reasonably uniform white to dark cream colour over the tops of the units which may be slightly dull and have a tinge of green, yellow or pink. The stem or branch portions may be light green or have a tinge of blue;

—free from foreign flavour or odour, taking into consideration any added optional ingredients;

—clean, free from sand, grit and other foreign material;

and with respect to Visual Defects or Other Defects subject to a tolerance shall be:

—reasonably free from discoloured areas confined essentially to the surface;

—reasonably free from damaged or blemished areas;

—reasonably free from fibrous stems;

—reasonably free from poorly trimmed units;

—reasonably free from fragments;

—reasonably compact and reasonably well-developed;

—reasonably free from coarse green leaves;

for floret styles:

—practically free from loose stems.

3.2.2 *Definition of Visual Defects.*

(a) Discolouration—grey, brown, green or similar discolouration confined essentially to the flower surface of the unit and which materially detracts from the appearance of the product. Branches or stems with a bluish or greenish tinge are not to be considered as discoloured.

Light—the discolouration disappears almost entirely upon cooking.

Dark—the discolouration does not disappear upon cooking.

(b) *Blemished*—A unit affected by pathological or insect injury, and which may extend into the cauliflower.

Minor—the appearance of the unit is only slightly affected.

Major—the appearance of the unit is materially affected.

Serious—the appearance of the unit is objectionally affected to such an extent that it would customarily be discarded under normal culinary preparation.

(c) *Mechanically damaged.*

Major—A unit in which more than 50 percent of the curd has been mechanically damaged or is missing (for split and floret styles).

Major—A unit in which more than 25 percent of the curd has been mechanically damaged or is missing (for whole style).

(d) *Fibrous.*

Major—A unit which possesses tough fibres that are quite noticeable and materially affect the eating quality.

Serious—A unit which possesses tough fibres that are objectionable and of such nature that it would be customarily discarded.

(e) *Poorly trimmed*—A unit which has deep-knife gouges or a ragged appearance.

(f) *Leaves*—coarse green leaves or parts thereof whether or not attached to the unit.

(g) *Fragments*—portion of the floret 5 mm or less across the greatest dimension.

(h) *Not compact*—A unit in which the florets are spreading, or the flowerhead has a "ricey" appearance of the flowerhead is very soft or mushy.

(i) *Loose stem*—Each piece of stem exceeding 2.5 cm in length detached from a cauliflower unit.

3.2.3 *Standard Sample Size.*

[1] The term "clusters" is used as an alternative to "florets" in some English speaking countries.

(i) Whole style—The minimum number of heads weighing in total at least 500 grammes.

(ii) Split sections—500 grammes.

(ii) Florets—500 grammes.

(iv) Other styles—500 grammes.

3.2.4 *Tolerance for Visual Defects.*

For *tolerances* based on the standard sample sizes indicated in section 3.2.3, visual defects shall be assigned points in accordance with the appropriate Table in this Section. The maximum number of defects permitted is the Total Allowable Points rating indicated for the respective categories Minor, Major and Serious or the Combined Total of the foregoing categories.

3.3 *Definition of "defective" for Quality Factors.*

Any sample unit taken in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (AQL-6.5) (Ref. No. CAC/RM 42-1969) shall be regarded as a "defective" for the respective characteristics when:

(a) it fails to meet the general requirements given in section 3.2.1.

(b) It exceeds the "maximum total points" in any one or more of the defect categories in Table 1 or Table 2, as appropriate for the style given in section 3.2.4.

3.4. *Lot Acceptance for Quality Factors.*

A lot will be considered acceptable with respect to Quality Factors when the number of "defectives" as defined in section 3.3 does not exceed the acceptance number (c) for the appropriate sample size as specified in the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (Ref. No. CAC/RM 42-1969).*

TABLE 1—WHOLE STYLE

Defect	Unit of measurement	Defect categories			
		Minor	Major	Serious	Total
Discolouration:					
Light	Each area or combined area of 8 sq. cm.	1			
Dark	Each area or combined area of 4 sq. cm.		2		
Blemished:					
Minor	Each head	1			
Major	do		2		
Serious	do			4	
Mechanically damaged:					
Major	do		2		
Fibrous:					
Major	do		2		
Serious	do			4	
Poorly trimmed	do		2		
Leaves	Each 2 sq. cm		2		
Not compact	Each area of combined area of 12 sq. cm.		2		
Total allowable points		10	6	4	10

TABLE 2—SPLIT, FLORETS AND OTHER STYLES

Defect	Unit of measurement	Defect categories			
		Minor	Major	Serious	Total
Discolouration:					
Light	Each area or combined area of 8 sq. cm.	1			
Dark	Each area or combined area of 4 sq. cm.		2		
Blemished:					
Minor	Each unit	1			
Major	do		2		
Serious	do			4	
Mechanically damaged:					
Major	do		2		
Fibrous:					
Major	do		2		
Serious	do			4	
Poorly trimmed	do	1			
Leaves	Each 2 sq. cm		2		
Fragments	Each 3 percent m/m		2		
Not compact	Each area or combined area of 12 sq. cm.		2		
Loose stem	Each piece	1			
Total allowable points		25	16	4	25

4. *Food Additives.*

4.1 Citric acid or malic acid, as processing aids for use in the blanching or cooling water in accordance with GMP.

4.2 *Carry-Over Principle.*

"Section 3" of the "Principle relating to the Carry-Over of Additives Into Foods" as set forth in Volume I of the Codex Alimentarius shall apply.

5. *Hygiene.*

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Practice—General Principles of Food Hygiene (Ref. No. CAC/RCP 1-1969, Rev. 1) recommended by the Codex Alimentarius Commission.

6. *Labelling.*

In addition to sections 1, 2, 4 and 6 of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref. No. CODEX STAN 1-1981), the following specific provisions apply:

6.1 *The Name of the Food.*

6.1.1 The name of the food as declared on the label shall include "cauliflower". The words "quick-frozen" shall also appear on the label except that the term "frozen" [2] may be applied in countries where this term is customarily used for describing the product processed in accordance with section 2.2 of the standard.

6.1.2 The name of the food shall also include the style, as appropriate: "whole", "split" or "florets" [3] in accordance with sections 2.4.1 and 2.4.3.

6.1.3 If the product is produced in accordance with Section 2.4.2 the label shall contain in close proximity to the word cauliflower such additional words or phrases that will avoid misleading or confusing the consumer.

6.1.4 When any ingredient other than salt, has been added which imparts to the food the distinctive flavour of the ingredient, the name of the food shall be accompanied by the term "with X" or "X flavoured", as appropriate.

6.1.5 If a term designating the size of the florets is used:

(a) the words "large florets" or "small florets" as appropriate, and/or

(b) by a correct representation on the label of the size range to which the florets predominantly conform, and/or

(c) the customary method of declaring size in the country in which the product is sold.

6.2 *List of Ingredients.*

A complete list of ingredients shall be declared in descending order of proportion in accordance with section 3.2(c) of the *Codex General Standard for the Labelling of Prepackaged Foods* (Ref. No. CODEX STAN 1-1981), except that the food additives present in the

[2] "Frozen": This term is used as an alternative to "quick frozen" in some English-speaking countries.

[3] The term "clusters" is used as an alternative to "florets" in some English-speaking countries.

product in accordance with sections 4.1 and 4.2 need not be declared.

6.3 *Net Contents.*

The net contents shall be declared by weight in either the metric system ("Systeme international" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

6.4 *Name and Address.*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the food shall be declared.

6.5 *Country of Origin.*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6 *Lot Identification.*

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

6.7 *Additional Requirements.*

The packages shall bear clear directions for keeping from the time they are purchased from the retailer to the time of their use, as well as directions for cooking.

6.8 *Bulk Packs.*

In the case of quick frozen cauliflower in bulk, the information required in Sections 6.1 to 6.5 shall either be placed on the container or be given in accompanying documents, except that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with section 6.1.1. of this standard) and the name and address of the manufacturer or packer shall appear on the container.

7. *Packaging.*

Packaging used for quick frozen cauliflower shall:

(a) protect the organoleptic and quality characteristics of the product;

(b) protect the product from microbiological and other contamination;

(c) protect the product from dehydration and, where appropriate, leakage as far as technologically practicable; and

(d) not pass on to the product any odour, taste, colour or other foreign characteristics, throughout the processing (where applicable) and distribution of the product up to the time of final sale.

8. *Methods of Examination, Analysis and sampling.*

8.1 *Sampling.*

8.1.1 *Sampling for presentation and visual defects:*

For those provisions detailed in sections 2.4 and 3.2 of this standard, sampling shall be carried out in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (AQL 6.5) (Ref. No. CAC/RM 42–1969).

8.1.2 *Sampling for net weight:* Shall be carried out in accordance with the FAO/WHO Sampling Plans for the Determination of Net Weight (under elaboration by the Codex Committee on Methods of Analysis and Sampling).

8.1.3 *Sampling for Analytical Requirements:* Sampling Plans to be eleborated.

8.2 *Thawing Procedure.*

FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables (Ref. No. CAC/RM 32–1970).

8.3 *Cooking Procedure.*

FAO/WHO Codex Alimentarius Standard Procedure for Cooking of Quick Frozen Vegetables (Ref. No. CAC/RM 33–1970). The cooking time for the quick frozen cauliflower varies according to the style and variety characteristics. The following figures should be considerd as guidelines:

Style and variety	Cooking time—(minutes)
Whole and split	10–20
Florets	3–8

8.4 *Determination of Net Weight.*

FAO/WHO Codex Alimentarius Standard Procedure for Determination of Net Weight of Frozen Fruits and Vegetables (Ref. No. CAC/RM 34–1970); also contained in the *Codex Standard for Quick Frozen Peas,* (Codex STAN 41–1981, Section 8.3).

Interested persons may, on or before July 11, 1983 submit to the Dockets Management Branch (address above), written comments regarding this notice. Two copies of any comments are to be submitted, except that individuals may submit one copy. Each comment should identify the title of the Codex standard and 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.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: April 29, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-12286 Filed 5-9-83; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[LR-82-82]

Calculation of Over-Issuance and Cumulative Cash Flow Deficit Under the Arbitrage Bond Regulations; Public Hearing on Proposed Regulations.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to amendments proposed to clarify and correct the arbitrage bond regulations relating to over-issuance and cumulative cash flow deficit.

DATES: The public hearing will be held on Thursday, June 9, 1983, beginning at 10:00 am. Outlines or oral comments must be delivered or mailed by Thursday, May 26, 1983.

ADDRESS: The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. The requests to speak and outlines of oral comments should be submitted to the Commissioner of Internal Revenue, Attn: CC:LR:T (LR–82–82), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lou Ann Craner of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, Washington, D.C. 20224, 202–566–3935, not a toll-free call.

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 103(c) of the Internal Revenue Code of 1954. The proposed regulations appeared in the **Federal Register** for Tuesday, March 29, 1983 (48 FR 13051).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the

hearing on the proposed regulations should submit, not later than Thursday, May 26, 1983, an outline of the oral comments to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing scheduling of the speakers will be made after outlines are received from the speakers. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

George H. Jelly,

Director, Legislation and Regulations Division.

[FR Doc. 83-12490 Filed 5-9-83; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 905

Surface Mining and Reclamation Operations Under a Federal Program for California

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Cancellaton of Promulgation Process for a Federal Program for California.

SUMMARY: The Office of Surface Mining (OSM) is announcing the withdrawal of the proposed Federal program to regulate surface coal mining and reclamation operations for California because it is highly unlikely there will be any mining of coal on non-Federal and non-Indian lands in that State in the forseeable future.

DATES: None.

FOR FURTHER INFORMATION CONTACT: James M. Kress, Branch of Regulatory Programs, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, D.C. 20240, Telephone: (202) 343-5866.

SUPPLEMENTARY INFORMATION: On July 28, 1982, the Office of Surface Mining published a proposed Federal program for California in the **Federal Register** to regulate coal exploration and surface coal mining and reclamation operations on non-Federal and non-Indian lands in that State (47 FR 32686). On August 12, 1982, OSM postponed the scheduled public hearing and extended the comment period indefinitely (47 FR 35011). During the comment period, OSM was informed by the California Division of Mines and Geology that all known coal deposits in California were too small and of too poor quality for commercial recovery in the forseeable future.

The Surface Mining Control and Reclamation Act in Sections 503 and 504 (30 U.S.C. 1253 and 1254), and OSM's regulations (30 CFR 736.11), require that there be an approved State or Federal regulatory program in States having coal reserves on non-Federal or non-Indian lands and in which there is a likelihood of either coal exploration or development before June 1985. Since development of California's known coal reserves on non-Federal and non-Indian lands is extremely unlikely, a regulatory program is not required. Therefore, the proposed regulatory program for California is being withdrawn and the promulgation process cancelled. Should information come to light which indicates an increased likelihood of coal exploration or surface coal mining on non-Federal and non-Indian lands within the State, promulgation of the required program will be reinitiated by subsequent rulemaking notice.

Dated: May 3, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection Office of Surface Mining.

[FR Doc. 83-12454 Filed 5-9-83; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 21

Vocational Rehabilitation Amendments

AGENCY: Veterans Administration.

ACTION: Proposed rules.

SUMMARY: The Veterans Administration is publishing proposed regulations to implement provisions of the Veterans' Rehabilitation and Education Amendments of 1980. Title 1 of these amendments updates and expands the vocational rehabilitation program. This revision of chapter 31 of title 38, United States Code, the first since its establishment for veterans of World War II, improves the vocational rehabilitation program, and helps to assure that service-disabled veterans will benefit from the latest concepts and methods developed in the field of rehabilitation. The revision of the law requires a corresponding revision of regulations governing the program. The regulations contained herein implement provisions of the law dealing with the process of measuring the rate at which a rehabilitation program is being pursued, approving and authorizing payment of subsistence allowance for training and rehabilitation services appropriate to the rate of pursuit, and approving leaves of absence during a rehabilitation program. These regulations will better acquaint eligible veterans, educational institutions and the public at large with the way the provisions will be implemented.

DATES: Comments must be received on or before July 6, 1983. It is proposed that these regulations be made effective on the same dates as the provisions of law on which they are based. Following this principle, provisions for approval and authorization of subsistence allowance generally would be effective October 1, 1980, as would be provisions for measurement of the rate at which training is pursued. Regulations implementing provisions which establish new categories of service under the rehabilitation program or modify existing policy generally would be effective April 1, 1981. Provisions for approval of leaves of absence also would be effective April 1, 1981.

ADDRESS: Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. 20420. All written comments will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 20, 1983.

FOR FURTHER INFORMATION CONTACT: Jeffrey T. Goetz, Assistant Director for Policy and Program Development, Vocational Rehabilitation and Counseling Service, Department of Veterans Benefits (202) 389-2886.

SUPPLEMENTARY INFORMATION: The Veterans Administration published a portion of the proposed regulations implementing some of the provisions of the Veterans' Rehabilitation and Education Amendments of 1980 in the **Federal Register** on April 29, 1982, at pages 18382 to 18386. The second portion of the proposed regulations was published in the **Federal Register** on September 15, 1982, at pages 40650 to 40659. These proposals constitute an additional portion of the regulations to be proposed for this purpose. Specifically, these regulations contain policy for determining the rate at which

a rehabilitation program is being pursued, approval and authorization of payment of subsistence allowance in accordance with the rate of pursuit, authorization and payment of training and rehabilitation services, and approval of leaves of absence during a rehabilitation program.

These proposed regulations do not meet the criteria for major rules as contained in Executive Order 12291. There will be no new reporting or recordkeeping requirements, or other compliance costs, to business or educational institutions caused by this proposal. The proposal will not affect other agencies. However, this proposal may induce some veterans to train under chapter 31, title 38, U.S.C., who would not have done so otherwise. Furthermore, these proposed regulations will affect every veteran who is eligible to train under chapter 31, title 38, U.S.C. However, these effects of the law do not place the proposed regulations in the category of major rules. Since these proposed regulations are not major rules they do not require a regulatory analysis. They will not have an annual effect of $1 million on the economy. They will not create major increases in costs or prices. They will not impose major recordkeeping burdens on anyone and they will not cause major additional costs to recipients of federal assistance. Accordingly, the Veterans Administration has not prepared an analysis of these proposed regulations.

The Administrator has certified that these proposed rules will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these proposed rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the proposed rules simply incorporate the requirements of Pub. L. 96–466 for authorization and payment for services and support being provided during a rehabilitation program. These rules will therefore have no significant impact on small entities.

The Catalog of Federal Domestic Assistance Number is 64.116.

List of Subjects In 38 CFR Part 21

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 21, 1983.

By direction of the Administrator.

Everett Alvarez, Jr.,

Deputy Administrator.

38 CFR Part 21, "Vocational Rehabilitation and Education," is amended as follows:

1. Section 21.260 and the center heading preceding the section are revised as follows:

Monetary Assistance Services

§ 21.260 Subsistence allowance.

(a) *General.* A veteran in a rehabilitation program under chapter 31 will receive a monthly subsistence allowance at the rates specified in paragraph (b), unless he or she has elected to receive payment at the rate of the monthly educational assistance allowance payable under chapter 34 for similar training. See § 21.264 and § 21.4136. (38 U.S.C. 1508(a))

(b) *Rate of payment.* Subsistence allowance is paid at the following rates effective October 1, 1980.

Type of program	Monthly rate of subsistence allowance			
	No dependents	One dependent	Two dependents	Additional amount for each dependent over two
Institutional: [1]				
Full-time	$282	$349	$411	$30
¾ time	212	262	308	23
½ time	141	175	206	16
Nonpay on-job training or experience in a federal agency; training in the home; vocational course in a rehabilitation facility or sheltered workshop; independent instructor: Full time only	282	349	411	30
Farm cooperative; apprenticeship or other on-job training: [2] Full time only	246	297	343	22
Combination (institutional and OJT) (Full time only):				
Institutional ½ time or more	282	349	411	30
OJT ½ time or more	246	297	343	22
Non-farm cooperative (Full time only):				
Institutional	282	349	411	30
On-job	246	297	343	22
Improvement of rehabilitation potential: Full time only	282	349	411	30
Extended evaluation: [3]				
Independent living:				
Full time	282	349	411	30
¾ time	212	262	308	23
½ time	141	175	206	15
¼ time	71	87	103	8

[1] Measurement of rate of pursuit (§§ 21.4270–21.4275).

[2] For on-job training, subsistance allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective.

[3] Rates for extended evaluation effective April 1, 1981.

(c) *Subsistence allowance precluded.* A subsistence allowance may not be paid for any period during which the only authorized services being furnished to the veteran by the VA are:

(1) Initial evaluation;

(2) Employment services; or

(3) Counseling. (38 U.S.C. 1508(a))

§ 21.261 [Removed]

2. Section 21.261 is removed.

3. Section 21.262 is revised as follows:

§ 21.262 Reimbursement of costs for training and rehabilitation services.

(a) *General.* The use of facilities and services shall be provided through contract, agreement of other cooperative arrangement between the VA and the vendor. (38 U.S.C. 1515(b))

(b) *VA Procurement Regulations.* Payment of charges for training and rehabilitation services authorized under chapter 31 are subject to the provisions of applicable VA Procurement Regulations especially 41 CFR Part 8–15 and Subpart 8–95.2. (38 U.S.C. 1515(a))

§ 21.263 [Removed]

4. Section 21.263 is removed.

5. Section 21.264 is revised as follows:

§ 21.264 Election of payment at the chapter 34 educational assistance rate.

(a) *Eligibility.* A veteran who applies for and is found entitled to training or education under chapter 31, may elect to receive payment at the educational allowance rate and other assistance furnished under chapter 34, for similar training in lieu of a subsistence allowance, provided the following criteria are met:

(1) The veteran has remaining eligibility for and entitlement to educational assistance under chapter 34;

(2) The veteran enrolls in a program of education or training approved for benefits under chapter 34;

(3) The program of education is part of an IWRP (Individualized Written Rehabilitation Plan) approved by the VA. (38 U.S.C. 1508)

(b) *Reelection of subsistence allowance.* Reelection of payment of benefits at the chapter 31 subsistence allowance rate may be made only after completion of a term, quarter, semester, or other period of instruction unless:

(1) Chapter 34 eligibility or entitlement ends earlier;

(2) Failure to approve immediate reelection would prevent the veteran from continuing in the rehabilitation program. (38 U.S.C. 1508(b))

(c) *Services precluded.* A veteran entitled to vocational rehabilitation training or education who elects payment at the educational assistance rate payable under chapter 34 shall be provided the same training and rehabilitation services as other veterans under chapter 31, but may not be provided:

(1) Subsistence allowance;

(2) Loans from the revolving fund loan;

(3) Payment of costs for:

(i) Vocational and other training services;

(ii) Supplies; or

(iii) Individualized tutorial assistance. (38 U.S.C. 1508(f))

(d) *Chapter 34 provisions applicable.* A veteran who has elected payment at the chapter 34 educational assistance rate must meet the same terms and conditions as other veteran pursuing similiar training under chapter 34. (38 U.S.C. 1508(f))

§ 21.265 [Removed]

6. Section 21.265 is removed.

7. Section 21.266 is revised as follows:

§ 21.266 Payment of subsistence allowance under special conditions.

(a) *Hospitalized veteran or serviceperson.* A veteran pursuing a VA rehabilitation program under chapter 31 while hospitalized in a VA medical center or in any other hospital at VA expense may receive a subsistence allowance. The subsistence allowance will be paid at the rates specified in § 21.260, except:

(1) The amount of subsistence allowance or the allowance provided under § 21.264 that may be paid to a veteran pursuing a rehabilitation program for any month for which the veteran receives compensation at the rate prescribed in § 3.401(h) of this title, as the result of hospital treatment (not including post-hospital convalescence) or observation at the expense of the VA may not exceed, when added to any compensation to which such veteran is entitled for the month, an amount equal to the greater of:

(i) The sum of: (A) the amount of monthly subsistence or the allowance payable under § 21.264, and (B) the amount of monthly disability that would be paid to the veteran if he or she was not receiving compensation at the temporary 100 percent rate as the result of such hospital treatment or observation, or

(ii) The amount of monthly disability compensation payable under § 3.401(h) of this title.

(2) A veteran pursuing a rehabilitation program while in post-hospitalization convalescence (§3.401(h)) will be paid the regular rate of subsistence allowance.

(3) A serviceperson pursuing a rehabilitation program under chapter 31 will not receive a subsistence allowance if he or she is hospitalized in a medical facility under the jurisdiction of the Secretary of Defense pending final discharge from the armed forces. (38 U.S.C. 1508(h))

(b) *Specialized rehabilitation facility.* (1) A veteran in a specialized rehabilitation facility will be paid the regular rate of subsistence allowance. The VA may pay the cost of room and board in lieu of subsistence allowance when:

(i) The specialized rehabilitation facility requires that similarly circumstanced persons pay the same charges for room and board, and

(ii) The case manager finds and the veteran agrees that it is to the veteran's advantage for the VA to pay the cost of room and board.

(2) Even though the VA pays the cost of room and board, the veteran will be paid that portion of subsistence allowance otherwise payable for dependents. (38 U.S.C. 1508(e)).

(c) *Non-pay work experience or training in a federal agency.* A veteran in an on-job program or being provided work experience in a federal agency at no or nominal pay shall receive subsistence allowance at the institutional rate. (38 U.S.C. 1508(c))

(d) *Extended evaluation and independent living program.* A veteran in a program of extended evaluation or independent living service program shall be paid subsistence allowance for full or part-time participation at the rate specified for institutional training in § 21.260. If an extended independent living program is pursued on a less than a quarter-time basis, the VA will only pay established charges for services furnished. (38 U.S.C. 1508(h))

(e) *On-job training.* A veteran in an on-job training program will be paid subsistence allowance at the rate provided under § 21.260(b), except that subsistence allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective. (38 U.S.C. 1508(c)

§ 21.267 [Removed]

8. Section 21.267 is removed.

9. Section 21.268 is revised as follows:

§ 21.268 Employment adjustment allowance.

(a) *General.* A veteran who completes a period of rehabilitation and reaches the point of employability will be paid an employment adjustment allowance for a period of two months at the full-time subsistence allowance rate for the type of program the veteran was last pursuing. (38 U.S.C. 1508(a))

(b) *Reelection of subsistence allowance.* A veteran who has elected payment at the chapter 34 educational assistance allowance rate may be paid an employment adjustment allowance only if he or she reelects subsistence allowance not later than the date following completion of the period of rehabilitation to the point of employability. (38 U.S.C. 1508(f))

(c) *Special programs.* An employment adjustment allowance will be paid at the institutional rate of subsistence allowance for veterans in any of the following programs:

(1) On-job training at no or nominal pay in a federal agency;

(2) Training in the home program;

(3) Independent instructor program;

(4) Cooperative program; or

(5) Self-employment program. (38 U.S.C. 1508(a))

(d) *Combination program.* A veteran who has pursued a combination program will be paid an employment adjustment allowance at the full-time rate for the type of training the veteran was actually pursuing at the completion of the period of rehabilitation to the

point of employability. (38 U.S.C. 1508(a))

(e) *Subsequent payments of employment adjustment allowance.* If a veteran has ever received an employment adjustment allowance following rehabilitation to the point of employability, he or she may, nevertheless, receive it again when completing an additional rehabilitation program to the point of employability if:

(1) The prior determination of rehabilitation to the point of employability is set aside; and

(2) The veteran is reinducted into a new vocational rehabilitation program as provided in § 21.280. (38 U.S.C. 1508(a))

(f) *Employment adjustment allowance not charged against entitlement.* An employment adjustment allowance will not be charged against the veteran's basic entitlement. (38 U.S.C. 1506(a))

10. Section 21.270 and 21.272 are added as follows:

§ 21.270 Payment of subsistence allowance during leave and between periods of instruction.

(a) *Payment during leave.* The VA will pay an eligible veteran a subsistence allowance during any period of approved leave including a veteran:

(1) Receiving medical or rehabilitation services on an outpatient basis at a VA medical center, and who provides his or her own room and board;

(2) Receiving service department retirement or retained pay while not on active duty;

(3) Hospitalized at a VA medical center while on approved leave. If the veteran becomes eligible for payment of disability compensation at the temporary 100 percent rate, under § 3.401(h) of this title due to hospitalization, payment will be made under provisions of § 21.266(a). (38 U.S.C. 1510)

(b) *Payment for intervals between periods of instruction.* Subsistence allowance will be paid to a veteran for the following periods unless the case manager and the veteran jointly determine that such payment is not in the veteran's interest:

(1) A period between consecutive terms within an enrollment period that does not exceed 1 full calendar month;

(2) A period between consecutive school terms, when the veteran, as part of his or her approved program of vocational rehabilitation, transfers from one educational institution to another for the purpose of enrolling in, and pursuing, the same objective at the second institution, provided the period does not exceed 30 days;

(3) A period which does not exceed 30 days, between a semester, term, or quarter, when the educational institution certifies the enrollment of the veteran on an individual semester, term, or quarter basis. (38 U.S.C. 1780(a))

(c) *Payment for other periods.* Subsistence allowance will be paid for:

(1) Weekends and legal holidays, or customary vacation periods associated with them;

(2) Periods in which the school is closed temporarily under emergency conditions described in § 21.4138(f). (38 U.S.C. 1510, 1780(a))

§ 21.272 Veteran-student services.

(a) *Eligibility.* Veterans who are pursuing full-time programs of education or training under chapter 31 are eligible to receive a work-study allowance. (38 U.S.C. 1504(a)(4))

(b) *Selection criteria.* Whenever feasible, the VA will give priority to veterans with service-connected disabilities rated at 30 percent or more disabling in selection for this allowance. The VA shall consider the following additional selection criteria:

(1) Need of the veteran to augment the subsistence allowance or payment made at the chapter 34 rate;

(2) Motivation of the veteran; and

(3) Compatibility of the work assignment with the veteran's physical condition. (38 U.S.C. 1504(a)(4), 1685)

(c) *Utilization.* Veteran-student services may be utilized in connection with:

(1) The VA outreach services program as carried out under the supervision of a VA employee;

(2) Preparation and processing of necessary VA papers and other documents at educational institutions, regional offices or other VA facilities;

(3) Hospital and domiciliary care and medical treatment at VA facilities; and

(4) Any other appropriate activity of the VA. (38 U.S.C. 1504(a)(4), 1685)

(d) *Rate of payment.* (1) In return for the veteran's agreement to perform services for the VA totaling 250 hours during an enrollment period, the VA will pay an allowance in an amount equal to the higher of:

(i) The amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times 250; or

(ii) $837.50.

(2) The VA will pay a proportionately smaller allowance to a veteran who agrees to perform a lesser number of hours of services. (38 U.S.C. 1504(a)(4), 1685)

(e) *Payment in advance.* The VA shall pay in advance an amount equal to 40 percent of the total amount payable under the contract. (38 U.S.C. 1504(a)(4), 1685(a))

(f) *Veteran reduces rate of pursuit.* In the event the veteran ceases to be a full-time student before completing an agreement, the veteran may, with the approval of the Director, or designee, of the VA field station, be permitted to complete the portion of the agreement that remains. The veteran must complete the remaining portion of the agreement in the same term, quarter or semester in which the veteran ceases to be a full-time student or within three months thereafter. (38 U.S.C. 1504(a)(4), 1685)

(g) *Veteran terminates training.* If the veteran terminates all training before completing an agreement, the VA:

(1) Will permit him or her to complete the portion of the agreement represented by the sum of money the VA has advanced to the veteran for which he or she has not performed any services; but

(2) Will not permit him or her to complete that portion of an agreement for which no advance has been made. (38 U.S.C. 1504(a)(4), 1685)

(h) *Indebtedness for unperformed service.* (1) If the veteran has received an advance for hours of unperformed service that remain after application of paragraphs (f) and (g) of this section, that advance:

(i) Will be a debt due the United States; and

(ii) Will be subject to recovery in the same manner as any other debt due the United States;

(2) For each hour of unperformed service, the amount of indebtedness shall equal the hourly wage upon which the contract was made. (38 U.S.C. 1504(a)(4), 1685)

(i) *Survey.* The VA will conduct an annual survey of its regional offices to determine the number of veterans whose services can be utilized effectively. (38 U.S.C. 1504(a)(4), 1685)

11. Section 21.274 is revised as follows:

§ 21.274 Revolving fund loan.

(a) *Establishment of revolving fund loan.* A revolving fund is established to provide advances to veterans who would otherwise be unable to begin or continue in a rehabilitation program without such assistance. (38 U.S.C. 1512)

(b) Definition. The term "advance" means a non-interest loan from the revolving fund. (38 U.S.C. 1512)

(c) *Eligibility.* A veteran is eligible for an advance if the following conditions are present:

(1) An Individualized Written Rehabilitation Plan, Individualized Extended Evaluation Plan, or

Individualized Independent Living Plan has been prepared; and

(2) The veteran and VA staff agree on the terms and conditions of the plan. (38 U.S.C. 1512)

(d) *Advance conditions.* (1) An advance may be approved when the following conditions are met:

(i) The purpose of the advance is clearly and directly related to beginning, continuing, or reentering a rehabilitation program;

(ii) The veteran would otherwise be unable to begin, continue or reenter his or her rehabilitation program;

(iii) The advance does not exceed either the amount needed, or twice the monthly subsistence allowance for a veteran without dependents in full-time institutional training; and

(iv) The veteran has elected, or is in receipt of, subsistence allowance.

(2) An advance may not be made to a veteran who meets conditions described in paragraph (d)(1) of this section if the veteran:

(i) Has not fully repaid an existing advance;

(ii) Does not agree to the terms and conditions for repayment; or

(iii) Will not be eligible in the future for payments of pension, compensation, subsistence allowance, educational assistance, or retired pay. (38 U.S.C. 1512).

(e) *Determination of the amount of the advance.* (1) If the conditions described in paragraphs (c) and (d) of this section are met, a counseling psychologist or vocational rehabilitation specialist in the VR&C Division will:

(i) Document the findings; and

(ii) Determine the amount of the advance.

The advance may not exceed the amount needed by the veteran, and shall not exceed twice the monthly subsistence allowance for a veteran in full-time institutional training.

(2) Loans will be made in multiples of $10. (38 U.S.C. 1512)

(f) *Repayment.* (1) *Offset possible.* The amount advanced will be repaid in monthly installments from future VA payments for compensation, pension, subsistence allowance, educational assistance allowance or retired pay.

(i) Repayment will begin on the earlier of the following dates:

(A) The first day of the month following the month in which the advance is granted; or

(B) The first day of the month after receipt of the advance in which the veteran receives a subsistence allowance.

(ii) The VR&C staff person who approves the advance will determine the rate of repayment.

(iii) The monthly rate of repayment may not be less than 10 percent of the amount advanced unless the monthly benefit against which the advance is being offset is less than that amount. (38 U.S.C. 1512)

(2) *Offset not possible.* If the amount advanced cannot be repaid from the benefits cited in paragraph (f)(1) of this section because the veteran is not in receipt of any of these benefits, collection of the amount due will be made in the same manner as any other debt payable to the VA. (38 U.S.C. 1512)

12. Section 21.276 is added as follows:

§ 21.276 Incarcerated veterans.

(a) *General.* The provisions contained in this section describe the limitations on payment of subsistence allowance and charges for tuition and fees for:

(1) Incarcerated veterans;

(2) Formerly incarcerated veterans in halfway houses; and

(3) Incarcerated and formerly incarcerated veterans in work release programs (38 U.S.C. 1508(g), 1780(a))

(b) *Definition.* The term "incarcerated veterans" means any veteran incarcerated in a Federal, State, or local prison, jail, or other penal institution for either:

(1) A felony (convicted or unconvicted); or

(2) A misdemeanor (convicted or unconvicted). (38 U.S.C. 1508(g), 1780(a))

(c) *Subsistence allowance not paid to an incarcerated veteran.* A subsistence allowance may not be paid to any incarcerated veteran, as that term is described in paragraph (b) of this section, if:

(1) Tuition and fees are paid by a non-VA Federal, State, or local government; or

(2) There are no charges for tuition and fees. (38 U.S.C. 1780(a))

(d) *Felony conviction.* A subsistence allowance may not be paid to an incarcerated veteran convicted of a felony, but the VA may pay all or part of the veteran's tuition and fees. (38 U.S.C. 1508(g))

(e) *Half-way house.* A subsistence allowance may not be paid to a veteran pursuing a rehabilitation program while residing in a halfway hosue as a result of a felony conviction when all of the veteran's living expenses are paid by a non-VA Federal, State, or local government program. (38 U.S.C. 1780(a))

(f) *Work-release program.* A subsistence allowance may not be paid to a veteran in a work release program as a result of a felony conviction if all of the veteran's living expenses are being paid by a non-VA Federal, State, or local government program. (38 U.S.C. 1508(g), 1780(a))

(g) *Subsistence allowance paid.* When the conditions described in paragraphs (c) thorugh (f) of this section do not preclude the payment of a subsistence allowance, the veteran will be paid at the rate applicable to the the type of program and rate of pursuit of the program. (38 U.S.C. 1508(g))

(h) *Payment of tuition, fees, and other charges.* The VA may not pay tuition, fees, and other course costs if there are no charges for the course, but may pay tuition, fees, and other course costs to the extent these costs are not paid by a non-VA Federal, State or local government program for similarly circumstanced non-veterans. (38 U.S.C. 1508(g), 1780(a))

(i) *Services.* The VA may provide other appropriate services including but not limited to medical, reader service, and tutorial assistance necessary for the veteran to pursue his or her rehabilitation program. (38 U.S.C. 1508(g), 1780(a))

(j) *Apportionment.* (1) *Felony conviction.* Apportionment of subsistence allowance may be continued or made to dependents of an incarcerated veteran convicted of a felony if:

(i) The apportionment began before October 17, 1980, or

(ii) The convicted felon is in a halfway house or in a work-release program, and all of his or her living expenses are not being paid by a governmental agency other than the VA.

(2) *Not convicted of a felony.* Apportionment to dependents of a veteran not convicted of a felony may be made under § 21.330 if the veteran meets conditions for payment of subsistence allowance described in paragraphs (c) and (d) of this section. (38 U.S.C. 1508(g), 1780(a))

(k) *Payment of allowances at the rates paid under chapter 34.* An incarcerated veteran, or a veteran in a halfway house or work release program who elects payment at the educational assistance rate paid under chapter 34 shall be paid in accordance with the provisions of law applicable to other incarcerated veterans training under chapter 34. (38 U.S.C. 1780(a))

§§ 21.278 and 21.279 [Removed]

13. Sections 21.278 and 21.279 are removed.

14. New §§ 21.310 through 21.350, are added as follows:

Rate of Pursuit

Sec.

21.310 Rate of pursuit of a rehabilitation program.
21.312 Reduced work tolerance.

Sec.

21.314 Pursuit of training under special conditions.

Authorization of Subsistence Allowance and Training and Rehabilitation Services

21.320 Awards for subsistence allowance and authorization or rehabilitation services.
21.322 Commencing dates of subsistence allowance.
21.324 Reduction or termination dates of subsistence allowance.
21.326 Authorization of employment services.
21.328 Two veteran cases—dependents.
21.330 Apportionment.
21.332 Payments of subsistence allowance.
21.334 Election of payment at the chapter 34 rate.

Leaves of Absence

21.340 Leaves of absence.
21.342 Leave accounting policy.
21.344 Facility offering training or rehabilitation services.
21.346 Facility temporarily not offering training or rehabilitation services.
21.348 Leave following completion of a period of training or rehabilitation services.
21.350 Unauthorized absences.

Rate of Pursuit

§ 21.310 Rate of pursuit of a rehabilitation program.

(a) *Programs offered at educational institutions.* This section provides policy for determining the full-time and part-time rate of pursuit of a rehabilitation program by a veteran whose ability to pursue a program has not been reduced by the effects of disability.

(1) The VA will measure the full-time and part-time rate of pursuit of training offered at educational institutions according to the criteria found in §§ 21.4270 through 21.4275, except as provided in paragraphs (a) (2) and (3) of this section.

(2) *Independent study course.*

(i) For certain seriously disabled veterans described in subdivision (i)(A) of this subparagraph the VA may measure the veteran's enrollment:

(A) In an independent study course as half-time or greater training, or

(B) Both in independent study subjects and subjects requiring class attendance on the basis of the combined training load when the number of credit hours of independent study equals or exceeds the number of other credit hours.

(ii) To qualify for measurement described in paragraph (a)(2)(i) of this section:

(A) The seriously disabled veteran must have a disability or circumstances which preclude regular attendance at an institution of higher learning, and

(B) Independent study must be a sound method for providing the training necessary for restoring the veteran's employability.

(iii) In all other cases the VA will measure independent study according to the provisions of § 21.4270(b), footnote 7. (38 U.S.C. 1508(d))

(3) *Special school.* If training is pursued in a special school, such as those for persons with visual or hearing disabilities, the rate of pursuit will be measured under §§ 21.4270 through 21.4275 unless it is the established policy of the school to measure the rate of pursuit for full-time or a particular level of part-time training based upon fewer semester, credit, or clock hours of attendance than prescribed in those regulations.

(4) *Farm cooperative.* If training in a farm cooperative program is provided by an educational institution, the rate of pursuit is determined under § 21.4270.

(5) *Courses offered under contract.* When a school or other entity furnishes all or part of a vocational rehabilitation program under contract with another school, the VA will measure the course or courses as appropriate for the school or other entity actually providing the training. (38 1508(d))

(b) *Education or training not furnished by an educational institution.* The following types of training which are not furnished by an educational institution (§ 21.35(k)(iii)) may only be pursued full-time:

(1) *On-job training.* Full-time training in an on-job program is the lesser of the number of hours in the prevailing workweek for:

(i) Journeyman employees in the same job categories at the establishment where training is being provided;

(ii) Other persons in on-job training for the same or similar occupations at the facility where the veteran is training or at other facilities in the locality.

(2) *Farm cooperative training.* If training in a farm cooperative program is provided by an individual instructor, the full-time rate of pursuit is assessed under § 21.126.

(3) *Independent instructor.* The full-time rate of pursuit for a veteran in an independent instructor program is assessed under § 21.146.

(4) *Training in the home.* The full-time rate for a training program provided in the veteran's home is assessed under § 21.156.

(5) *Vocational course in a rehabilitation facility or sheltered workshop.* A vocational course of training offered by a rehabilitation facility or sheltered workshop (21.35(k)), will be measured under provisions of § 21.4270(b), unless it is the established policy of the facility to measure the rate of pursuit for full-time or a particular level of part-time training based upon fewer clock hours of attendance than provided in that regulation. (38 U.S.C. 1508(d))

(c) *Combination and cooperative programs.* The rate of pursuit of a program which combines institutional training and on-the-job training will be measured as follows:

(1) The institutional part will be assessed under §§ 21.4270 through 21.4275, and

(2) The on-the-job part will be assessed under § 21.310(b). (38 U.S.C. 1508(d))

(d) *Rehabilitative services.* Measurement of the rate of pursuit for veterans in programs consisting primarily of services designed to evaluate and improve physical and psychological functioning will be assessed under this paragraph.

(1) The services assessed under this paragraph include:

(i) Evaluation and improvement of the rehabilitation potential of a veteran for whom attainment of a vocational goal is reasonably feasible;

(ii) Extended evaluation to determine whether attainment of a vocational goal is reasonably feasible; or

(iii) A program of independent living services to enable a veteran to function more independently in his or her family and community when attainment of a vocational goal is not reasonably feasible.

(2) Measurement of the rate of pursuit for services and programs named in paragraph (d)(1) of this section will be:

(i) As provided in paragraph (a) of this section for services furnished by educational institutions; or

(ii) According to the noneducational facility's customary criteria for full-time and part-time pursuit. If the facility does not have established criteria for full-time and part-time pursuit, or services are being provided by more than one facility the rate of pursuit will be assessed in the following manner:

Rate of pursuit	Clock hours per month
Full-time	120 or more.
Three-quarter time[1]	90–119.
Half-time[1]	60–89.
Quarter-time[1]	30–59.

[1] Extended evaluation and independent living. (38 U.S.C. 1506(d))

§ 21.312 Reduced work tolerance.

(a) *General.* The VA will consider that a veteran with reduced work tolerance is pursuing a rehabilitation program full-time when the amount of time the veteran is devoting to his or her program is as great as the effects of his or her disability (service and nonservice-

connected) will permit. (38 U.S.C. 1508(d))

(b) *Pursuit of a program.* A veteran with reduced work tolerance may pursue a rehabilitation program when the following conditions are met:

(1) Reduced work tolerance has been determined;

(2) Achievement of the goals of the program are reasonably feasible;

(3) The IWRP (Individualized Written Rehabilitation Plan) or other plan provides for completion of the program under chapter 31, or the conditions described in § 21.82(b) for completion of a plan are met. (38 U.S.C. 1508(d))

(c) *Redetermination of work tolerance.* As necessary, but not less than once yearly, the veteran's work tolerance will be reevaluated. The rate of pursuit required to meet the standard of full-time pursuit will be modified if there is either an increase or decrease in the work tolerance of the veteran. (38 U.S.C. 1508(d))

(d) *Payment of allowance.* A veteran with a reduced work tolerance will be paid a subsistence allowance, at the full-time rate for the type of program being pursued when the veteran meets the standard for full-time pursuit established for him or her. (38 U.S.C. 1508(d))

(e) *Determining work tolerance.* A VA physician will make all determinations and redeterminations of work tolerance. (38 U.S.C. 1508(d))

§ 21.314 Pursuit of training under special conditions.

A veteran is generally required to pursue a rehabilitation program at a rate which meets the requirement for full or part-time participation described in §§ 21.310 and 21.312. However a veteran may pursue a rehabilitation program at a lesser rate if such pursuit is a part of the veteran's plan. Subsistence allowance is not payable during such periods except for emergency conditions described under provisions of § 21.4138(b). (38 U.S.C. 1508(d))

Authorization of Subsistence Allowance and Training and Rehabilitation Services

§ 21.320 Awards for subsistence allowance and authorization of rehabilitation services.

Awards providing for payment of a subsistence allowance and authorization of services necessary for rehabilitation may be prepared when an IWRP (Individualized Written Rehabilitation Plan) or other plan has been completed and other requirements for entrance or reentrance into a rehabilitation program have been met.

(a) *Commencing date of subsistence allowance.* The commencing date of an award of subsistence allowance will be determined under the provisions of § 21.322. (38 U.S.C. 1508(a))

(b) *Commencing date of authorization of training and rehabilitation services.* The commencing date for authorization of training and rehabilitation services is the same as the effective date for awards for subsistence allowance under provisions of § 21.322 except when:

(1) The commencing date for authorization of a program of employment services is determined under provisions of § 21.326;

(2) An earlier commencement date is established in the veteran's plan;

(3) The veteran elects payment at the educational assistance allowance rate, the commencing date of payment is determined under provisions applicable to commencement of payment under chapter 34. (38 U.S.C. 1508(a))

(c) *Ending date of subsistence allowance.* The ending date of an award for subsistence allowance will be the earliest of the following dates:

(1) The ending date provided in the veteran's IWRP or other plan;

(2) The ending date of a period of enrollment as certified by a training or rehabilitation facility;

(3) The ending date specified in § 21.324. (38 U.S.C. 1508)

(d) *Ending date for training and rehabilitation services.* The ending date of training and rehabilitation services will be the same as the termination date for subsistence allowance under paragraph (c) of this section except when:

(1) The ending date for a period of employment services is determined under provisions of §21.326;

(2) A later termination date is established in the veteran's plan;

(3) A veteran has elected payment at the educational assistance rate paid under chapter 34 the ending date of the award is determined under regulations applicable to termination of training under chapter 34. (38 U.S.C. 1508(a))

§ 21.322 Commencing dates of subsistence allowance.

(a) *General.* The VA will determine the commencing date of an award or increased award of subsistence allowance under this section. The VA will not authorize subsistence allowance for any period prior to the earliest date for which disability compensation is payable or would be payable except for the veteran's receipt of retired pay. (38 U.S.C. 1508, 3013)

(b) *Entrance or reentrance into vocational rehabilitation, extended evaluation, independent living services.* The earlier of:

(1) The date the facility requires the veteran to report for prescribed activities; or

(2) The date training or rehabilitation services begin. (38 U.S.C. 1508)

(c) *Increase for dependents.* (1) The date of the entrance or reentrance if:

(i) The VA receives the claim for the increase within 1 year of the date of entrance or reentrance, and

(ii) The VA receives any necessary evidence within 1 year of its request.

(2) The date the VA receives notice of the dependent's existence if:

(i) The VA receives the claim for the increase more than 1 year after the date of the entrance or reentrance, and

(ii) The VA receives any necessary evidence within 1 year of its request. (38 U.S.C. 1508)

(d) *Correction of military records.* In accordance with the facts found, but not earlier than the date the change, correction, or modification was made by the service department, if eligibility of a veteran arises as the result of correction or modification of military records under 10 U.S.C. 1552, or change, correction or modification of a discharge or dismissal under 10 U.S.C. 1553, or other competent military authority. (38 U.S.C. 1503(b))

(e) *Bar to benefits removed by the VA.* In accordance with the facts found, but not earlier than the date the change was made by the VA if eligibility of a veteran arises as the result of review of the evidence of record regarding the character of discharge by the VA when the veteran's discharge or dismissal was a bar to benefits under 38 U.S.C. 3101. (38 U.S.C. 1503(b))

(f) *Incarcerated veterans.* (1) Date of release from Federal, State, or local penal institution of a veteran incarcerated for conviction of a felony.

(2) Earlier of the following dates in the case of a veteran residing in a half-way house or participating in a work-release program as a result of a felony conviction.

(i) Date of release from the half-way house or work-release program, or

(ii) Date a veteran becomes obligated to pay part of his or her living expenses.

(3) Date a veteran who is incarcerated for other than a felony conviction in a Federal, State or local prison ceases to have all of his or her tuition and fees paid by a non-VA government agency or is first required to pay tuition and fees in a course for which no charges were made. (38 U.S.C. 1508(g), 1780(a))

(g) *Temporary 100 percent award terminated.* Date of reduction of a temporary award of disability compensation at the 100 percent rate because of hospitalization. (38 U.S.C. 1508(h))

(h) *Liberalizing laws and VA issues.* In accordance with facts found, but not earlier than the date of the act or administrative issue. (38 U.S.C. 3013)

§ 21.324 Reduction or termination dates of subsistence allowance.

(a) *General.* The effective date of reduction of the amount paid or termination of payment of subsistance allowance will be the earliest of the dates specified in this section. If an award is reduced, the reduced rate will be effective the day following the date of termination of the greater benefit. (38 U.S.C. 3013)

(b) *Death of a veteran.* Date of death, if death occurs while the veteran is in attendance or authorized leave status; otherwise date of last attendance. (38 U.S.C. 3013)

(c) *Death of dependent.* Last day of the calendar year in which death occurred unless the veteran's program is terminated earlier under other provisions. (38 U.S.C. 3013)

(d) *Divorce.* Last day of the calendar year in which divorce occurs unless the veterans's program is terminated earlier under the provisions. (38 U.S.C. 3013)

(e) *Child.* (1) *Marriage.* Last day of the calendar year in which the marriage occurs unless the veteran's program is terminated earlier under other provisions.

(2) *Age 18.* Day preceding the child's 18th birthday.

(3) *School attendance.*

(i) Last day of the month in which the child ceases attending school; or

(ii) The day preceding the child's 23rd birthday, whichever is earlier.

(4) *Helplessness.* Last day of the month in which 60 days has passed from the VA's noticed to the payee that the child's helplessness has ceased. (38 U.S.C. 3013)

(f) *Interrupted, rehabilitation to the point of employability, independent living program completed, and extended evaluation completed status.* Last day of attendance, or approved leave status, whichever is applicable. (38 U.S.C. 3013)

(g) *Discontinued.* Last day of attendance or approved leave status, whichever is applicable, except as follows:

(1) If the VA places the veteran in "discontinued" status following the veterans's withdrawal from all courses with nonpunitive grades or following his or her completion of all courses with nonpunitive grades and the case manager does not find mitigating circumstances, the VA will terminate subsistance allowance effective:

(i) The first date of the term, or

(ii) December 1, 1976, whichever is later.

(2) If the VA places the veteran in "discontinued" status following a term in which the grades the veteran receives include both those that count in the grade point average and nonpunitive grades, and the case manager does not find mitigating circumstances:

(i) The VA will terminate subsistance allowance for courses in which the veteran receives nonpunitive grades effective the first day of the term or December 1, 1976, whichever is later.

(ii) The VA will terminate subsistance allowance for courses in which the veteran receives grades that will count in the grade point average effective the veteran's last day of attendance or approved leave status, whichever is applicable. (38 U.S.C. 1780(a))

(h) *Wages or salary received in apprentice or on the-job training.* (1) If the sum of the training wage plus the schedular subsistence allowance is more then the journeyman wage when the training commences, the subsistence allowance will be decreased by the VA effective the first day of the second month following the month in which the veteran enters on job-training.

(2) Subsequent adjustments will be effective the first day of the second month following the month in which wages or salary changes are made which justify the adjustment under provisions of § 21.266(e). (38 U.S.C. 1508)

(i) *Reduction in rate of pursuit of the program.* End of month in which reduction occurs, except that if the rate of pursuit is reduced as a result of the veteran's withdrawal from a unit course with nonpunitive grade(s) or as a result of the veteran's completion of a unit course or courses with nonpunitive grade(s) (§ 21.4200(j)), the VA will reduce subsistence allowance as follows:

(1) If it is determined that there are mitigating circumstances:

(i) Withdrawal with nonpunitive grades: The end of the month or the end of the term in which the veteran withdraws, whichever is earlier; if the reduction occurs at the beginning of the term benefits will be reduced the first day of the term in which the veteran withdraws or December 1, 1976, whichever is the later.

(ii) Completion with nonpunitive grades. No reduction required.

(2) If it is determined there are no mitigating circumstances the VA will reduce the veteran's subsistance allowance effective the first day of the term in which the veteran withdraws of which the veteran completes with nonpunitive grades or December 1, 1976, whichever is later. (38 U.S.C. 1780(a))

(j) *Severance of service connection.* Last day of the month in which the severance becomes final. (38 U.S.C. 3013)

(k) *Fraud.* The later of the following dates:

(1) The beginning date of the award of subsistence allowance, or

(2) The day preceding the date of the fraudulent act. (38 U.S.C. 3503(a))

(l) *Error.* (1) *Payee error.* Effective date of the award of subsistence allowance or day preceding the act, whichever is later, but not prior to the date the veteran's entitlement ceases, on an erroneous award based on an act of commission or omission by a payee with his or her knowledge.

(2) *Administrative error.* Except as provided in paragraph (j) of this section, date of last payment on an erroneous award based solely on administrative error or an error in judgment by a VA employee. (38 U.S.C. 3013)

(m) *Treasonable acts subversive activities.* The later of the following dates:

(1) Beginning date of the award of subsistence allowance, or

(2) Day preceding the date of commission of the treasonable act or subversive activities for which the veteran is convicted. (38 U.S.C. 3013)

(n) *Incarceration in prison or jail.* (1) *Felony conviction.* If a veteran's subsistence allowance must be reduced because of incarceration for a felony conviction under provisions of § 21.276 his or her rate of payment will be reduced the later of:

(i) The date of his or her incarceration in a prison or jail; or

(ii) The commencing date of his or her award as determined by § 21.322.

(2) *Non-felony incarceration.* If a veteran's subsistence allowance must be reduced because of incarceration for reasons other than a felony conviction under provisions of § 21.276, his or her rate will be reduced the date a non-VA government program either begins paying or would normally begin paying the tuition and fees which are required to be paid for similarly circumstanced nonveterans.

(3) *Half-way house or work-release program.*

(i) The subsistence allowance of a veteran in a half-way house or work-release program as a result of conviction of a felony will be reduced under the provisions of § 21.276 the latest of the following dates:

(A) The date the veteran enters the half-way house;

(B) The commencing date of the award, as determined by § 21.322; or

(C) The date on which the Federal government, or a State or local

government, pays all the veteran's living expenses.

(ii) The subsistence allowance of a veteran incarcerated for reasons other than conviction of a felony will be reduced the date on which the Federal government pays:

(A) All of the veteran's living expenses, and

(B) All of the veteran's tuition and fees; or

(C) None of the veteran's tuition and fees. (38 U.S.C. 1508(a), 1780(a))

(o) *Specialized rehabilitation facility.* Date payment for room and board by VA begins, reduce the rate paid to the amount payable for dependents. (38 U.S.C. 1508(i))

(p) *Termination of subsistence allowance while hospitalized at VA expense.* Date before the beginning date of the increased disability compensation award if a veteran in a rehabilitation program is awarded disability compensation at the 100 percent rate while hospitalized at VA expense. (38 U.S.C. 1508(h))

§ 21.326 Authorization of employment services.

(a) *General.* Authorization of employment services shall be based upon the services identified and goals established in an IEAP (Individualized Employment Assistance Plan) under provisions of § 21.88. The effective dates for the commencement, or termination of such services will be determined under this section. (38 U.S.C. 1507(a))

(b) *Commencing date.* The commencing date authorizing a period of employment services will be the later of:

(1) The date following completion of the period of rehabilitation to the point of employability;

(2) The date of the original IEAP. (38 U.S.C. 1507, 1517(a))

(c) *Termination of the authorization of employment services.* Authorization for employment services will be terminated the earliest of:

(1) The last day employment services are provided under the terms of an IEAP when employment services are interrupted, discontinued, or the veteran is rehabilitated;

(2) The date the award is found to be erroneous because of an act of omission or commission by the veteran, or with his or her knowledge;

(3) The last day of the month in which severance of service connection becomes final;

(4) The day preceding the date of a fraudulent act;

(5) The date preceding the commission of a treasonable or subversive act for which the veteran in convicted. (38 U.S.C. 1508, 3013)

§ 21.328 Two veteran cases—dependents.

If both partners in a marriage are veterans, and if each is receiving either subsistence allowance for a vocational rehabilitation program or an eductional assistance allowance under another VA program, each is entitled to receive the additional allowances payable for each other and for their children. (38 U.S.C. 1508(a))

§ 21.330 Apportionment.

(a) *General.* Where in order, the VA will apportion subsistence allowance in accordance with § 3.451 of this title, subject to the limitations of § 3.458 of this title. (38 U.S.C. 3107(c))

(b) *Effective date.* The effective date of apportionment will be as prescribed in §3.400(e) of this title. (38 U.S.C. 3107(c))

(c) *Child adopted out of family.* Where evidence establishes that a veteran is the natural parent of a child or children legally adopted outside of the veteran's family, the VA will apportion in favor of the child or children only that additional amount of subsistence allowance payable on account of the existence of the child or children. The veteran is not entitled in his or her own right to the additional amount of subsistence allowance payable for the child because of the existence of the child unless the veteran is contributing to the child's support. (38 U.S.C. 3107(c))

(d) *Veteran convicted of a felony.* The subsistence allowance of a veteran in a rehabilitation program after October 17, 1980, may not be apportioned if the veteran is incarcerated because of conviction for a felony. (38 U.S.C. 1508(g))

§ 21.332 Payments of subsistence allowance.

(a) *Eligibility.* The VA shall pay subsistence allowance at the rates specified in § 21.260 to an eligible veteran enrolled in a rehabilitation program at the end of the month for the type of program pursued during the month unless advance payment is approved. The VA will continue payments during those intervals described in § 21.270. (38 U.S.C. 1508)

(b) *Advance payment criteria.* The VA will make an advance payment of subsistence allowance only when:

(1) The veteran specifically requests an advance payment; and

(2) The educational institution at which the veteran is accepted or enrolled has agreed to, and can carry out, satisfactorily the provisions of 38 U.S.C. 1780(d)(4) and (5) pertaining to:

(i) Receipt, delivery or return of advance checks; and

(ii) Certifications of delivery and enrollment. (38 U.S.C. 1780(d))

(c) *Advance payment.* (1) The amount of advance payment is not to exceed:

(i) The veteran's subsistence allowance for the month or part of a month in which his or her course will begin; plus

(ii) The veteran's subsistence allowance for the following month.

(2) Upon application and completion of arrangements for enrollment of a veteran who meets the criteria for an advance payment, the VA shall mail a check payable to the veteran to the institution for delivery to the veteran upon registration.

(3) An institution shall not deliver an advance payment check to a veteran more than 30 days in advance of commencement of his or her program. (38 U.S.C. 1780(d))

(d) *Certification for advance payment.* The VA will authorize advance payment upon receipt of the institution's certification of the following information:

(1) The veteran is eligible for benefits;

(2) The institution has accepted the veteran or he or she is eligible to continue his or her training;

(3) The veteran has notified the institution of his or her intention to attend or to reenroll;

(4) The number of semester or clock hours the veteran will pursue; and

(5) The beginning and ending dates of the enrollment period. (38 U.S.C. 1780(d))

(e) *Time of advance payment.* The VA will authorize advance payment only:

(1) At the beginning of an ordinary school year; or

(2) At the beginning of any other enrollment period which begins after a break in enrollment of one full calendar month or longer. (38 U.S.C. 1780(d))

(f) *Other payments.* (1) The VA will make all payments other than advance payments at the end of the month for the veteran's training during that month.

(2) The VA may withhold final payment until:

(i) The VA receives certification that the veteran has completed his or her course; and

(ii) The VA makes all necessary adjustments in the veteran's award resulting from that certification. (38 U.S.C. 1780(g))

(g) *Payments for courses which are repeated.* The VA may pay subsistence allowance to a veteran who repeats a course under conditions described in § 21.132. (38 U.S.C. 1780(a))

§ 21.334 Election of payment at the chapter 34 rate.

(a) *Election.* When the veteran elects payment at the chapter 34 rate, the effective dates for commencement or reduction and termination shall be in accordance with §§ 21.4130 through 21.4135. (38 U.S.C. 1508, 1780)

(b) *Election of payment at the chapter 34 rate subsequent to induction into a rehabilitation program.* Election of payment at the chapter 34 rate subsequent to induction into training is permissible under provisions of § 21.262(a) and (b). The effective date of the election is the latest of the following dates:

(1) The commencing date of the program under provisions of § 21.4131;

(2) The day following the end of period for which the VA paid tuition, fees or other program charges under this chapter. (38 U.S.C. 1508(f))

(c) *Reelection of subsistence allowance subsequent to induction.* If a veteran reelects subsistence allowance under provisions of § 21.262(c), the effective date of the change is earliest of the following:

(1) The date following completion of the term, semester, quarter, or other period of instruction in which the veteran is curently enrolled;

(2) The veteran's chapter 34 delimiting date;

(3) The day after exhaustion of chapter 34 entitlement; or

(4) The day following the date of a VA detemination that failure to approve reelection would prevent the veteran from continuing the rehabilitation program. (38 U.S.C. 1508(f))

(d) *Election or reelection during leave or between periods of instruction.* (1) *Payment at the chapter 34 rate.* If an otherwise eligible veteran elects payment at the chapter 34 rate during a period of authorized leave or between periods of instruction the effective date of the election shall be the first day of the next period of instruction.

(2) *Subsistence allowance.* If an otherwise eligible veteran reelects subsistence allowance during leave or between periods of instruction following election of payment at the chapter 34 rate, the effective date of the change will be the date of the reelection or the beginning of the next period of training, whichever is to the veteran's benefit. (38 U.S.C. 1508(b))

Leaves of Absence

§ 21.340 Introduction.

(a) *General.* The VA may approve leaves of absence under certain conditions. During approved leaves of absence a veteran shall be considered to be pursuing a rehabilitation program. Leave may be authorized for a veteran during a period:

(1) Rehabilitation to the point of employability;

(2) Extended evaluation; or

(3) Independent living services. (38 U.S.C. 1510)

(b) *Election of subsistence allowance.* If a veteran elects to receive subsistence allowance and payment of rehabilitation services by the VA, he or she may be authorized leave of absence under §§ 21.342 through 21.350. (38 U.S.C. 1510)

(c) *Election of payment at the chapter 34 rate.* If a veteran elects to receive an allowance and other assistance equivalent to that provided under chapter 34, the effect of absences is determined under provisions of §§ 21.4204 and 4205. (38 U.S.C. 1510)

§ 21.342 Leave accounting policy.

(a) *Amount of leave.* A veteran pursuing one of the programs listed in § 21.340(a) may be authorized up to 30 days of leave by the case manager during a twelve-month period. The beginning date of the first twelve-month period is the commencing date of the original award, and the ending date is twelve months from the beginning date with subsequent consecutive twelve-month periods thereafter. (38 U.S.C. 1510)

(b) *Additional leave under exceptional circumstances.* A veteran in a program offered by an institution of higher learning which leads to a standard college degree may be authorized up to 15 additional days of leave by the case manager under exceptional circumstances such as extended illness or family problems. (38 U.S.C. 1510)

(c) *Absence.* For the purpose of determining when a leave of absence may be authorized, a veteran who elects subsistence allowance shall be considered absent during any period in which he or she is:

(1) Not in attendance under the rules and regulations of the educational institution, rehabilitation center, or sheltered workshop;

(2) Not considered at work under the rules of the training establishment;

(3) Not present at a scheduled period of individual instruction. (38 U.S.C. 1510)

(d) *System of records.* An educational institution, training establishment, rehabilitation center, or other facility or individual providing training and rehabilitation services under chapter 31 may utilize the same system of records to determine absence as the one used for similarly circumstanced nonveterans. (38 U.S.C. 1510)

(e) *Change in rate of pursuit.* The amount of approved leave is not affected by the veteran's rate of pursuit of a rehabilitation program, rather one day of leave is charged for each day, or part of a day of absence. (38 U.S.C. 1510)

(f) *Charging leave.* The VA shall charge 1 day for each day of approved leave used by the veteran. (38 U.S.C. 1510)

(g) *Limitation on carrying leave over to another period.* The veteran may not carry over unused days of leave from one twelve-month period to another. (38 U.S.C. 1510)

(h) *Responsibility for approving leave.* The case manager shall approve leaves of absence. (38 U.S.C. 1510)

§ 21.344 Facility offering training or rehabilitation services.

(a) *Approval of leaves of absence required.* Leaves of absence must normally be approved in advance by the VA when the facility offering training or rehabilitation services arranges for the leave. The approval of the case manager is required:

(1) During periods in a rehabilitation program identified in § 21.342(c); or

(2) A period of hospitalization at VA expense during one of the periods identified in § 21.341(c). (38 U.S.C. 1510)

(b) *Responsibility of the veteran in obtaining leave.* The VA will not authorize leave without a verbal or written request by the veteran, and the approval of the facility. (38 U.S.C. 1510)

(c) *Conditions permitting approval of leaves of absence.*

(1) The case manager may approve leaves of absence up to a total of 30 days during a twelve-month period if the facility certifies that the use of the leave does not interfere materially with the veteran's progress;

(2) An additional period of up to 15 days of leave in the same twelve-month period under exceptional circumstances may be approved by the case manager for a veteran in a program leading to a standard college degree if failure to approve leave will:

(i) Result in personal hardship, or

(ii) Adversely affect the veteran's ability to continue in his or her rehabilitation program. (38 U.S.C. 1510)

§ 21.346 Facility temporarily not offering training or rehabilitation services.

(a) *Approval of leave of absence not required.* A veteran may receive subsistence allowance during a period when the facility temporarily is not offering services without the veteran's seeking an approved leave of absence or being charged with leave when:

(1) The facility is closed temporarily under an executive order of the President or due to an emergency situation;

(2) The veteran is pursuing on-the-job training and he or she receives holidays established by Federal or State law;

(3) The veteran is pursuing farm cooperative training and incurs:

(i) Routine absences from the farm required in the ordinary day-to-day conduct of farm business; or

(ii) Absences from that part of a farm cooperative course which is given at the educational institution; or

(4) The veteran is pursuing a standard college degree; and

(i) There is an interval between consecutive semesters, terms, quarters or periods of instruction *within a certified enrollment period* which does not exceed a full calendar month;

(ii) There is an interval, which does not exceed a full calendar month between semesters, terms or quarters when the educational institution only certifies enrollment on a semester, term, or quarter basis;

(iii) There is an interval, which does not exceed 30 days, when the veteran, as part of his or her approved program of vocational rehabilitation, transfers from one educational institution to another for the purpose of enrolling in and pursuing a similar program at the second institution;

(iv) A period of up to 5 days per twelve-month period during which a school offering non-college-degree courses is not operating, because instructors are attending professional meetings.

(5) The case manager may disapprove leave under paragraph (a)(4) of this section if:

(i) Approval would result in or lead to use of more than 48 months of entitlement under chapter 31, alone; or

(ii) Approval would require extension of the scheduled completion date of the veteran's program. (38 U.S.C. 1510)

(b) *Approval of leaves of absence required.* A veteran, who wishes to receive subsistence allowance while the facility temporarily is not offering training under conditions other than those identified in paragraph (a) of this section, must seek an approved leave. (38 U.S.C. 1510)

§ 21.348 Leave following completion of a period of training or rehabilitation services.

(a) *Leave following completion of training or rehabilitation services.* Leave may not be approved following completion of a period of service described in § 21.340(a). (38 U.S.C. 1510)

(b) *Postponement of the date of completion of a period of rehabilitation services prohibited.* The date of completion of the veteran's program may not be extended for the purpose of allowing the veteran to use leave. (38 U.S.C. 1510)

§ 21.350 Unauthorized absences.

A veteran who is unable to obtain an unauthorized leave of absence in advance may seek to have the unauthorized absence excused.

(a) *Excusing unauthorized absences.* The VA may excuse an unauthorized absence and make proper charges against the veteran's leave when:

(1) The veteran has absented himself or herself under conditions which make his or her obtaining advance approval from the VA impracticable; and

(2) Conditions for approval of leave are otherwise met. (38 U.S.C. 1510)

(b) *Unexcused, unauthorized absences.* When an unauthorized absence is not satisfactorily explained, the VA will take necessary action, including forfeiture of subsistence allowance for that period of absence. (38 U.S.C. 1510)

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POSTAL SERVICE

39 CFR Part 10

Proposed On-Demand International Express Mail Service to Brazil

AGENCY: Postal Service.

ACTION: Proposed on-demand international express mail service to Brazil.

SUMMARY: Pursuant to an agreement with the postal administration of Brazil, the Postal Service proposes to begin On-Demand International Express Mail Service to Brazil at postage rates indicated in the table below. The proposed service is scheduled to begin on July 15, 1983.

DATE: Comments must be received on or before June 9, 1983.

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

ADDRESS: Written comments should be directed to the General Manager, Rate Development Division, Office of Rates, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8620, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

SUPPLEMENTARY INFORMATION: The International Mail Manual is incorporated by reference in the **Federal Register**, 39 CFR 10.1. Additions to the manual needed to introduce the proposed new service, including the rate table reproduced below, will be made in due course. Accordingly, although 39 U.S.C. 407 does not require advance notice and the opportunity for submission of comments on international service, and the provisions of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553) do not apply (39 U.S.C. 410(a)), the Postal Service invites interested persons to submit written data, views or arguments concerning the proposed On-Demand International Express Mail Service to Brazil at the rates indicated in the table below.

List of Subjects in 39 CFR Part 10

Postal Service, Foreign relations.

BRAZIL—INTERNATIONAL EXPRESS MAIL

[On Demand Service] [1]

Up to and including			
Pounds	Rate	Pounds	Rate
1	$21.00	26	$133.50
2	25.50	27	138.00
3	30.00	28	142.50
4	34.50	29	147.00
5	39.00	30	151.50
6	43.50	31	156.00
7	48.00	32	160.50
8	52.50	33	165.00
9	57.00	34	169.50
10	61.50	35	174.00
11	66.00	36	178.50
12	70.50	37	183.00
13	75.00	38	187.50
14	79.50	39	192.00
15	84.00	40	196.50
16	88.50	41	201.00
17	93.00	42	205.50
18	97.50	43	210.00
19	102.00	44	214.50
20	106.50	45	219.00
21	111.00	46	223.50
22	115.50	47	228.00
23	120.50	48	232.50
24	124.50	49	237.00
25	129.00	50	241.50

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

An appropriate amendment to 39 CFR 10.3 to reflect these changes will be published when the final rule is adopted.

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

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-12513 Filed 5-9-83; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 2E2731/P294; PH-FRL 2352-8]

Diflubenzuron; Proposed Tolerance

Correction

In FR Doc. 83-10885, in the issue of Wednesday, April 27, 1983, appearing on page 19039, in the last column, the table to § 180.377 is reprinted to properly align the items under the table headings as set forth below:

§ 180.377 Diflubenzuron; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Mushrooms	0.2 ppm.
* * * * *	

BILLING CODE 1505-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6514]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, Acting Chief, Engineering Branch, Natural Hazards Division, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 287-0230.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed modified base flood elevations for selected locations are:

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
California	City of Ontario (San Bernardino County)	Cucamonga Creek	Intersection of Hellman Avenue and Francis Street.	#1	Depths less than 1 foot
			200 feet east of the intersection of Hellman Avenue and Fourth Street.	#1	Depths less than 1 foot
		Deer Creek	Intersection of Fourth Street and Turner Avenue.	#1	Depths less than 1 foot
Maps available for inspection at the Building Department, 303 East B Street, Ontario, California 91764.					
Send comments to the Honorable Robert Ellingwood, Mayor, City of Ontario, 303 East B Street, Ontario, California 91764.					
Maryland	Cumberland, City, Allegany County	North Branch Potomac River.	Downstream corporate limits	*604	*602
			Upstream of Chessie System	*609	*606
			Upstream of Ford Avenue	*612	*609
			2nd crossing of Chessie System	*614	*611
			Confluence of Wills Creek	*616	*614
			Upstream corporate limits	*633	*627

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Wills Creek	Confluence with North Branch Potomac River	*616	*614

Maps available for inspection at the City Hall, Cumberland, Maryland.
Send comments to Honorable George H. Wyckoff, Jr., Mayor of Cumberland, P.O. Box 1702, Cumberland, Maryland 21502.

Minnesota	(C) Stillwater, Washington County	Saint Croix River	At downstream corporate limits	*693	*692
			At upstream corporate limits	*693	*693
		Browns Creek	About 1,300 feet upstream of State Highway 96.	*707	*705
		Long Lake	Shoreline		*893

Maps available for inspection at the City Hall, 216 North 4th Street, Stillwater, Minnesota.
Send comments to: Honorable Nils Kriesel, Finance Coordinator and Director, City of Stillwater, City Hall, 216 North 4th Street, Stillwater, Minnesota 55082.

Pennsylvania	Butler, City, Butler County	Sullivan Run	Negley Avenue extended, downstream side	none	*989
			State Route 68 (Cunningham Street), upstream side.	none	*993
			Newcastle Street, downstream side	none	*994
			West Brady Street, upstream side	none	*996
			Miller Street, downstream side	none	*1,002
			Mercer Street, downstream side	none	*1,004
			North 6th Avenue, upstream side	none	*1,006

Maps available for inspection at the City Hall, 140 West North Street, Butler, Pennsylvania.
Send comments to Honorable Ronald E. Forchi, Mayor of Butler, 140 West North Street, Butler, Pennsylvania 16001.

Pennsylvania	Lycoming, Township, Lycoming County	Lycoming Creek	Upstream U.S. Route 15	*584	*581
			Downstream State Route 973	*599	*597
			Downstream most upstream crossing of CONRAIL.	*617	*613
		Hoagland Run	Confluence with Lycoming Creek	*599	*596
			Approximately 6,000 feet upstream of confluence with Lycoming Creek.	*599	*597

Maps available for inspection at the Lycoming Township Building, R.D. 2, Linden, Pennsylvania.
Send comments to Honorable Robert E. Wagner, Chairman of the Lycoming Board of Supervisors, R.D. 2, Box 79, Linden, Pennsylvania 17744.

Pennsylvania	Salisbury, Township, Lehigh County	Cedar Creek	Downstream corporate limits	*261	*262
			Upstream corporate limits	*267	*265
		Little Lehigh Creek	Downstream corporate limits	*298	*301
			Keystone Road	*306	*307

Maps available for inspection at the Salisbury Township Building, 3000 South Pike Avenue, Allentown, Pennsylvania.
Send comments to Honorable Robert Sander, President of the Salisbury Board of Commissioners, 3000 South Pike Avenue, Allentown, Pennsylvania 18103.

Pennsylvania	West Wyoming, Borough, Luzerne County	Abrahams Creek	Downstream corporate limits	*560	*554
			Upstream side, CONRAIL bridge	*562	*557
			Upstream side, Eighth Street bridge	*599	*593
			Upstream side, Shoemaker Avenue bridge	*606	*599

Maps available for inspection at the Borough Building, West 8th Street, West Wyoming, Pennsylvania.
Send comments to Honorable George Nocek, Mayor of West Wyoming, West 8th Street, West Wyoming, Pennsylvania 18644.

Washington	City of Richland (Benton County)	Yakima River	At Union Pacific Railroad Bridge	*352	*352
			Approximately 200 feet downstream of the Van Giesen Bridge.	*374	*374

Maps are available for inspection in the Planning Department, City Hall, Richland, Washington 99352.
Send comments to the Honorable Tom Logston, Mayor, City of Richland, P.O. Box 190, Richland, Washington 99352.

Pursuant to the provisions of 5 U.S.C. 505(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; delegation of authority to Associate Director, State and Local Programs and Support)

Issued: April 14, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-12312 Filed 5-9-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 83-372; FCC 83-141]

Deregulation of Mobile Customer Premises Equipment

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this Notice, the Commission proposes to deregulate all mobile telephone customer premises equipment (CPE). In the Second Computer Inquiry, the Commission directed common carriers to offer CPE on a nontariffed basis separate from their transmission offerings. However, the Commission expressly excluded mobile CPE from the scope of its decision. In this proceeding, the Commission will consider whether to conform the treatment of mobile CPE with its treatment of all other CPE.

DATE: Comments must be received on or before May 20, 1983, and reply Comments must be received on or before June 20, 1983.

ADDRESS: Secretary's Office, Rm. 222, FCC, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: William F. Adler (202) 632-6400.

List of Subjects in 47 CFR Part 22

Communications common carriers, Mobile radio service.

Proposed Rulemaking

In the matter of deregulation of mobile customer premises equipment; CC Docket No. 83-372.

Adopted April 7, 1983.

Released: April 28, 1983.

By the Commission: Commissioner Fogarty absent; Commissioner Rivera issuing a separate statement.

1. In the *Second Computer Inquiry*,[1] we decided, among other things, that regulation of carrier-provided CPE (customer premises equipment) as part of a common carrier service is no longer warranted.[2] We therefore required that CPE provided by common carriers be offered on a nontariffed basis separate from their common carrier transmission offerings, pursuant to the bifurcated approach set forth in *Further Reconsideration* 88 FCC 2d 518-24 (1981). Several types of equipment were not included in the ultimate decision to deregulate CPE, one of which was mobile telephone equipment.[3] We here turn our attention to mobile telephone equipment.

2. In deciding not to include mobile telephone equipment within the definition of CPE, we observed that the status of this equipment was in issue in another rulemaking proceeding in CC Docket No. 79-318, *Cellular Communications Systems*.[4] Accordingly, in *Computer II* we did not deregulate carrier-provided mobile telephone equipment used in conjunction with either conventional or cellular mobile radio communications systems, even though other mobile radio equipment was deregulated. We did not alter this determination on reconsideration.[5] Several months later in our cellular *report and Order*, 86 FCC 2d 469 (1981), we ordered that mobile telephone equipment provided in conjunction with cellular systems, which telephone equipment had not yet been produced or marketed commercially,[6] be deregulated from the outset. Of particular consequence is our ultimate finding that there is "no compelling reason to treat cellular mobile equipment differently from landline customer premises equipment."[7] We affirmed that determination in our *Order on Reconsideration*, 89 FCC 2d 58, 85 (1982).

3. At this point, the mobile telephone used in conventional common carrier mobile radio services constitutes the only piece of two way voice terminal equipment that is accorded disparate treatment. In this proceeding, we propose to deregulate that equipment, thereby conforming our treatment of it with our treatment of all other CPE. To the extent that we have preempted state regulation of other CPE in the *Second Computer Inquiry*, we would also preempt state regulation of mobile CPE. Our proposal applies to mobile telephone equipment used in all services licensed under Part 22 of the Rules: domestic public land mobile radio service (including airborne), rural radio service and offshore telecommunications service.[8] Rather than recite in detail the rationale for deregulating this mobile CPE, we rely on, and incorporate by reference, the relevant portions of the *Second Computer Inquiry* and *Cellular Communications Systems*. Interested persons should examine specifically the following: *Second Computer Inquiry*, 77 FCC 2d at 438-457, *reconsideration* 84 FCC 2d at 61-67; and *Cellular Communications Systems*, Notice of Inquiry and Notice of Proposed Rulemaking, 78 FCC 2d 984, 995-96 (1980), Report and Order, 86 FCC 2d at 497. We expect comments to be limited to specific reasons why this particular terminal equipment should not be deregulated; parties are cautioned not to address the general issue of whether CPE (including cellular CPE) should be deregulated.[9]

Regulatory Flexibility Act—Initial Analysis

4. *Reasons for action and objective.* This is a policy of general applicability being proposed to conform the regulations of mobile customer premises equipment with the regulation of other telephone customer premise equipment. The objectives are to encourage the competitive provision of mobile CPE, to remove advantages accruing to carriers over other vendors of mobile CPE, and to foster an environment in which consumers will have the maximum array of choices.

5. *Legal basis.* The authority for this proposed rulemaking is contained in Sections 4, 303 and 403 of the Communications Act of 1934, as amended.

6. *Small entities affected and potential impact.* The proposed policy is expected to affect (a) most telephone companies and radio common carriers providing mobile telephone service, (b) manufacturers of mobile CPE, and (c) retail and wholesale vendors of mobile CPE. The potential impact would be measured only in terms of revenues from the provision, manufacture or sale of equipment. It is anticipated that, overall, the impact will be favorable.

7. *Relevant federal rules which overlap, duplicate or conflict with this action.* None.

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[1] Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry), 77 FCC 2d 384 (1980) (Final Decision), *reconsideration*, 88 FCC 2d 512 (1981), *aff'd sub nom.* CCIA v. FCC, 693 F.2d 198 (D.C. Cir. 1982).

[2] Final Decision, *Id.* at 447.

[3] Final Decision, *Id.* at 447, n. 57; 84 FCC 2d at 70; 88 FCC 2d at 513, n. 1.

[4] Final Decision, *Id.* at 447, n. 57.

[5] 84 FCC 2d at 70.

[6] At least three manufacturers had produced mobile units which were then being used by Illinois Bell in its cellular developmental system in Chicago.

[7] Report and Order at 497, n. 65.

[8] While we reserved judgment in the Second Computer Inquiry regarding deregulation of mobile telephone CPE, we expressed no such reservation with respect to common carrier paging receivers. To the extent that there is any ambiguity, we here confirm that paging receivers were included in the generic categories of CPE deregulated in the Second Computer Inquiry.

[9] The requirements of the Second Computer Inquiry relating to the structure under which AT&T and its affiliates provide deregulated CPE would apply to the provision of conventional mobile telephone CPE. In CC Docket 83-115, FCC 83-71, release March 4, 1983, however, we are examining whether the Bell Operating Companies should be subject to structural separation in a post divestiture environment.

8. *Reporting, record-keeping and compliance requiements.* None.

9. *Alternatives that would lessen impact.* The only alternative is retention of the status quo.

10. Interested persons are invited to participate in this proceeding by submitting comments in accordance with Section 1.419 of the Commission's Rules, 47 CFR 1.419. Comments must be filed by June 6, 1983, and reply comments by July 5, 1983.

11. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, and *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's Rules, 47 CFR 1.1231. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

12. The Secretary of the Commission shall serve a copy of this Notice of Proposed Rulemaking upon each state public utilities regulatory commission.

13. Authority for this action is contained in Sections 4(i), 303(r) and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r) and 403, and Section 553 of the Administrative Procedure Act, 5 U.S.C. 553.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Separate Statement of Commissioner Henry M. Rivera

In the Matter of: Deregulation of Mobile Customer Premises Equipment.

I write separately to emphasize that mobile customer premises equipment (CPE) utilized in the rural radio service is included within this proceeding.[1] That service is an important means of communications in rural America—vital to its economy and to the safety of property and life. I am concerned that deregulation of rural radio mobile CPE could adversely affect the viability and availability of that service. Before the Commission acts, it should have a clear understanding of the possible effects that deregulation of this mobile CPE may have on the viability of the rural radio service.[2] Therefore, I hope that state regulatory bodies, industry and users address this issue in their comments.

[FR Doc. 83-12475 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-406; RM-4385]

FM Broadcast Stations in Hilo, Hawaii; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 224A to Hilo, Hawaii, in response to a petition filed by Mid Pacific Broadcasting Company. The proposed assignment could provide a fourth FM service to that community.

DATES: Comments must be filed on or before June 13, 1983, and reply comments on or before June 28, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the Matter of: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Hilo, Hawaii); MM Docket No. 83-406, RM-4385.

Adopted: April 20, 1983.

Released: April 29, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed by Mid-Pacific Broadcasting Company ("petitioner"), requesting the assignment of Channel 240A to Hilo, Hawaii, as its fourth FM channel. Petitioner expressed its interest in applying for the channel, if assigned.

2. Channel 204A in Hilo, Hawaii, would be short spaced to Channel 240A in Paaiulo, Hawaii. However, Channel 224A is available in Hilo and meets all spacing requirements.

3. In view of the fact that the proposed assignment of Channel 224A could provide a fourth FM broadcast service to Hilo, Hawaii, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Hilo, Hawaii	234, 246, 250	224A, 234, 246, 250

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 13, 1983, and reply comments on or before June 28, 1963, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do*

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[1] See paragraph 3 of the Notice of Proposed Rulemaking.

[2] For example, because of the importance of the rural radio service, state regulatory bodies may be permitting cross-subsidization of that service in order to keep the charges for the service and equipment affordable. The proposed deregulation may restrict the states' flexibility to continue such subsidies.

Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634–6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found 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, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-12316 Filed 5-9-83, 8:45 am

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-408; RM-4388]

FM Broadcast Stations in Clintonville, Manitowoc and New Holstein, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 221A to New Holstein, Wisconsin, as that community's first FM allocation, in response to a petition filed by WMBE, Incorporated. The assignment requires a channel substitution and modification of license at Manitowoc, Wisconsin, and the addition of a site restriction on an existing assignment at Clintonville, Wisconsin, to accomodate the proposal.

DATES: Comments must be filed on or before June 13, 1983, and reply comments must be filed on or before June 28, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making and Order To Show Cause

In the Matter of: Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Clintonville, Manitowoc and New Holstein, Wisconsin); MM Docket No. 83–408, RM–4388.

Adopted: April 20, 1983.
Released: April 29, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making filed February 15, 1983, by WMBE, Incorporated ("petitioner") seeking the assignment of FM Channel 221A to New Holstein, Wisconsin, as that community's first FM allocation. Petitioner states that if the channel is assigned, it will apply for authority to build and operate a station.

2. As petitioner acknowledges in its petition, the instant proposal requires that certain site restrictions be imposed on Channel 221A to New Holstein, if assigned, and on Channel 221A to Clintonville, Wisconsin,[1] previously assigned. Additionally, the substitution of Channel 257A for existing Channel 221A in Manitowoc, Wisconsin, is

[1] An application has been filed for Channel 221A at Clintonville by Clintonville Broadcasting, Inc. (File No. BPH-820929BC).

required to accommodate petitioner's proposal. Channel 221A (Station WKKB), Manitowoc, Wisconsin, is presently licensed to Cub Radio, Inc.

3. Specifically, the site restrictions and channel substitution are necessary since the distance between New Holstein and Clintonville is 61 miles, and between New Holstein and Manitowoc, 20 miles, whereas § 73.207 of the Commission's Rules requires a separation of 65 miles between co-channel Class A assignments to avoid short spacing. The proposed substitution of Channel 257A for 221A at Manitowoc can be accomplished in conformity with the minimum distance separation requirements.

4. A staff engineering study for New Holstein and Clintonville reveals that in order to avoid short spacing to each other, the ultimate permittee at New Holstein would be required to locate its transmitter 6.8 miles east of the community, while the Clintonville applicant would be required to specify a transmitter site 4.4 miles north of Clintonville. If Channel 221A is ultimately assigned to New Holstein, Clintonville Broadcasting, Inc. would be permitted to amend its application to specify a new transmitter site for Channel 221A. Its cut-off protection would be retained to prevent any delay in processing its application. We wish to hear from Clintonville Broadcasting, Inc. as to whether a move of its proposed transmitter site could not be accomplished.

5. Whenever an existing licensee would have to switch frequencies in order to accommodate a new assignment, we require that the proponent of the new assignment make a commitment that it would reimburse the affected station for the costs incurred in changing frequencies. Therefore, petitioner should indicate whether it would be willing to reimburse Station WKKB, Manitowoc, Wisconsin, for its costs in changing frequencies to Channel 257A.

6. In view of the fact that the proposed assignment could provide a first FM service at New Holstein, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Manitowoc, Wisconsin	221A, 272A	257A, 272A
New Holstein, Wisconsin		221A

7. *It is ordered,* That pursuant to § 316(a) of the Communications Act of 1934, as amend, Cub Radio, Inc., licensee of Station WKKB, Manitowoc Wisconsin, *shall show cause* why its license should not be modified to specify operation on Channel 257A in lieu of Channel 221A.

8. Pursuant to § 1.87 of the Commission's Rules, Cub Radio, Inc. may, not later than June 13, 1983, request that a hearing be held on the proposed modification. If the right to request a hearing is waived, Cub Radio, Inc. may not later than June 13, 1983, file a written statement showing with particularity why its license should not be modified as proposed in the *Order to Show Cause.* In this case, the Commission may call on Cub Radio, Inc. to furnish additional information, designate the matter for hearing, or issue, without further proceedings, an *Order* modifying the license as provided in the *Order to Show Cause.* If the right to request a hearing is waived and no written statment is filed by the date referred to above, Cub Radio, Inc. will be deemed to have consented to the modification as proposed in the *Order to Show Cause* and a final Order will be issued by the Commission, if the above-mentioned channel modification is ultimately found to be in the public interest.

9. *It is further ordered,* That the Secretary of the Commission *shall send* by Certified Mail, Return Receipt Requested, a copy of this *Order* to the following:

Clintonville Broadcasting, Inc., P.O. Box 192, Rice Lake, Wisconsin 54868;

Cub Radio, Inc., P.O. Box 98, Manitowoc, Wisconsin 54220.

10. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

11. Interested parties may file comments on or before June 13, 1983, and reply comments on or before June 28, 1983, and are advised to read the Appendix for the proper procedures.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

13. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found 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, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceedings.

(a) Counterproposals advanced in this proceeding itself will be considered, if

advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the Provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-12518 Filed 5-9-83; 8:45am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-407; RM-4364]

TV Broadcast Stations in Bainbridge, Georgia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 49 to Bainbridge, Georgia, as its first television assignment in response to a petition filed by Mr. and Mrs. Sam M. Griffin, Jr.

DATES: Comments must be filed on or before June 13, 1983, and reply comments on or before June 28, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Bainbridge, Georgia); MM Docket No. 83-407, RM-4364.

Adopted: April 20, 1983.
Released: April 29, 1983.

By the Chief, Policy and Rules Division.

1. The commission herein considers a petition for rule making filed January 31, 1983, by Mr. and Mrs. Sam M. Griffin, Jr. ("petitioners") proposing the assignment of UHF Television Channel 49 to Bainbridge, Georgia, as its first television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria.

2. Bainbridge (population 10,553) [1], seat of Decatur County (population 25,495), is located in southwest Georgia, approximately 315 kilometers (197 miles) south of Atlanta.

3. Petitioners submitted information in support of their proposal and expressed their interest in applying for the channel, if assigned.

4. In view of the fact that Bainbridge could receive its first television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Bainbridge, Georgia		49

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 13, 1983, and reply comments on or before June 28, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202)634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found in Section 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, *It is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule*

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice,* they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties must file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties may be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, brief, or other documents shall be funished the Commission.

6. *Public Inspection of Filing.* All finding made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-12517 Filed 5-9-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-405; RM-4298]

TV Broadcast Stations in Oklahoma City, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 61 to Oklahoma City, Oklahoma, as its tenth television assignment, in response to a petition filed by David Allen Crabtree.

DATES: Comments must be filed on or before June 13, 1983, and reply comments on or before June 28, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lippo, Mass Media Bureau (202) 634-6530

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Oklahoma City, Oklahoma) MM Docket No. 83-405, RM-4296.

Adopted: April 20, 1983.
Released: April 29, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by David Allen Crabtree ("petitioner"), as its tenth television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. Oklahoma City (population 403,213) [1], seat of Oklahoma County (population 568,933) and capital of the state of Oklahoma, is located in the central portion of the state.

3. In view of the fact that Oklahoma City could receive its tenth local television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Oklahoma City, Oklahoma	4-, 5, 9-, *13, 14-, 25-, 34-, 43+, 52.	4-, 5, 9-, *13, 14-, 25-, 34-, 43+, 52, 61

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note:—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 13, 1983, and reply comments on or before June 28, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 Fed. Reg. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte.* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the

[1] Population figures are taken from the 1980 U.S Census Advance Report.

person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1066, 1982; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found 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, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the date set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submission by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-12515 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-10-M

47 CFR Part 73

[MM Docket No. 83-404; RM-4335]

TV Broadcast Stations in Roanoke, Virginia; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign UHF Television Channel 60 to Roanoke, Virginia, as its sixth television assignment in response to a petition filed by David Allen Crabtree.

DATES: Comments must be filed on or before June 13, 1983, and reply comments on or before June 28, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Proposed Rule Making

Television broadcasting.

In the Matter of: Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Roanoke, Virginia) MM Docket No. 83-404, RM-4335.

Adopted: April 20, 1983.

Released: April 29, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by David Allen Crabtree ("petitioner"), seeking the assignment of UHF Television Channel 60 to Roanoke, Virginia. The petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. A site restriction of 8.7 miles north of Roanoke is required to avoid short spacing to WJTM-TV (Channel 45), Winston-Salem, North Carolina.

2. Roanoke (population 100,427)[1] is located in southwestern Virginia, approximately 225 kilometers (140 miles) west of Richmond, Virginia.

3. In view of the fact that Roanoke could receive its sixth local television broadcast service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Roanoke, Virginia	7-, 10, *15+, 27+, 38-,	7-, 10, *15+, 27+, 38-, 60

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 13, 1983, and reply comments on or before June 28, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the*

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

Commission's Rules, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found 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, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-12514 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-409; RM-4286]

Television Broadcast Stations in Seattle, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 45 to Seattle, Washington, in response to a petition filed by William V. Johnson. The assignment could provide Seattle with a seventh television allocation.

DATES: Comments must be filed on or before June 17, 1983, and reply comments must be filed on or before July 5, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: Amendment of § 73.606(b), Table of Assignments, Television Broadcast Stations (Seattle, Washington) MM Docket No. 83-409, RM-4286

Adopted: April 20, 1983.
Released: May 3, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed December 29, 1982, by William V. Johnson ("petitioner"), seeking the assignment of UHF television Channel 45 to Seattle, Washington, as that community's seventh television allocation. Petitioner indicates that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Seattle (population 493,846)[1], the county seat of King County (population 1,269,749), is located on Puget Sound in northwest Washington. At the present time, Seattle is served by commercial television stations (KOMO-TV, Channel 4; KING-TV, Channel 5; KIRO-TV, Channel 7; and Channel 22 (applied for)), as well as by noncommercial educational Station KCTS-TV (Channel * 9). Additionally, one other noncommercial educational channel (* 62) is unoccupied and unapplied for at the present time.

3. A staff engineering study reveals that Channel 45 could be assigned to Seattle, Washington, in compliance with the requirements of § 73.610 of the

[1] Population figures are extracted from the 1980 U.S. Census, Advance Reports.

Commission's Rules. Since Seattle is located within 402 kilometers (250) miles) of the common U.S.-Canadian border, the Commission must obtain Canadian concurrence in the proposal.

4. In view of the foregoing and the fact that the proposed assignment would provide a seventh television allocation to Seattle, Washington, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules as follows:

City	Channel No.	
	Present	Proposed
Seattle, Washington	4, 5+, 7, *9, 22+, *62	4, 5+, 7, *9, 22+, 45+, *62

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. NOTE: A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before June 17, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found 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, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set fourth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-12519 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-410; RM-4389]

FM Broadcast Stations in Soldotna, Alaska; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a second FM assignment to Soldotna, Alaska, in response to a petition filed by King County Broadcasters.

DATES: Comments must be filed on or before June 17, 1983, and reply comments on or before July 5, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast

Stations. (Soldotna, Alaska) (MM Docket No. 83-410, RM-4389).

Adopted: April 20, 1983.
Released: May 3, 1983.

By the Chief, Policy and Rules Division.

1. King County Broadcasters ("petitioner") submitted a petition for rule making on February 16, 1983, seeking the assignment of Class C Channel 247 to Soldotna, Alaska. Petitioner stated its intention to apply for Channel 247, if assigned to Soldotna.

2. In support of the proposal, petitioner submitted population and economic information. However, in view of the action taken in *Revision of FM Policies and Procedures*, 90 FCC 2d 88 (1982), these issues are no longer a requirement to justify a non-conflicting proposal. Petitioner alleges that it intends to provide new and diverse programming to the Kenai Peninsula Borough (of which Soldotna is a community). According to the petitioner's engineering study, Channel 269A (assigned to Soldotna) is in use by Station K269AU, a translator rebroadcasting the programming of Station KSKA, Anchorage, Alaska.

3. In view of the fact that the proposal could provide a second local broadcast service to Soldotna, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Soldotna, Alaska	269A	247, 269A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 17, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found 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, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial coments, so that parties may coment on them in reply comments. They will not be considered if advanced in reply comment. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-12520 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-412; RM-4377]

FM Broadcast Stattion in Ouray, Colorado; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a first FM assignment to Ouray, Colorado, in response to a petition filed by Kristi R. Westfall.

DATES: Comments must be filed on or before June 17, 1983, and reply comments on or before July 5, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ouray, Colorado) (MM Docket No. 83-412, RM-4377)

Adopted: April 20, 1983.

Released: May 3, 1983.

By the Chief, Policy and Rules Divisions.

1. Kristi R. Westfall ("petitioner") filed a petition for rule making on February 8, 1983, seeking to assign Channel 285A to Ouray, Colorado. The proposed assignment could provide for a first FM service to Ouray. Peititioner stated her intention to apply for the channel, if assigned.

2. In support of the proposal the petitioner submitted population and economic data. However, in view of the action taken in the *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982), this information is no longer relevant to a non-conflicting proposal. Channel 285A can be assigned to Ouray in conformity with the minimum distance separation requirements.

3. In view of the fact that Ouray could receive its first local FM service, we shall seek comments on the proposal to amend the FM Table of Assigments (§ 73.202(b) of the Rules) with respect to the following city:

City	Channel No.	
	Present	Proposed
Ouray, Colo.		285A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A Showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 17, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found 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, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Secion 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-12522 Filed 5-9-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-411; RM-4378]

FM Broadcasting Station in Kankakee, and Crete, Illinois; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Channel 224A to Kankakee, Illinois, in response to a petition filed by Edward J. Wilk and Joseph F. Wilk. The proposal could provide a second FM service to that community. Also proposed is the reassignment of Channel 272A from Kankakee to Crete, Illinois, to reflect its actual use at Crete.

DATES: Comments must be filed on or before June 17, 1983, and reply comments must be filed on or before July 5, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcasting Stations. (Kankakee, and Crete, Illinois) (MM Docket No. 83-411, RM-4378).

Adopted: April 20, 1983.
Released: May 3, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 8, 1983, by Edward J. Wilk and Joseph F. Wilk ("petitioners") seeking the assignment of Channel 224A to Kankakee, Illinois, as its third FM assignment. Petitioners submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Channel 272A, now assigned to Kankakee, is actually used at Crete, Illinois, pursuant to the 10-mile rule, § 73.203(b) of the Commission's Rules. Therefore, we also propose herein to reassign the channel to Crete to reflect its actual use there.

3. In view of the fact that the proposed Kankakee assignment could provide a second FM service, the Commission believes that it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following communities:

City	Channel No.	
	Present	Proposed
Crete, Ill		272A
Kankakee, Ill	260, 272A	224A, 260

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 17, 1983, and reply comments on or before July 5, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found 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, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in

connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-12521 Filed 5-9-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-413; RM-4358]

FM Broadcast Stations in Williston, North Dakota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channel 266 to Williston, North Dakota, in response to a petition filed by Dianna L. Simpson. The proposed assignment could provide a third FM service to that community.

DATES: Comments must be filed on or before June 20, 1983, and reply comments must be filed on or before July 6, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau; (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rulemaking

In the matter of Amendment of § 73.202(b), table of Assignments, FM broadcast stations. (Williston, North Dakota) (MM Docket No. 83-413, RM-4358).

Adopted: April 20, 1983.
Released: May 4, 1983.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed January 21, 1983, by Dianna L. Simpson ("Petitioner") proposing the assignment of Class C Channel 266 to Williston, North Dakota, as its third FM assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the proposed assignment of Channel 266 to Williston, North Dakota, is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrance must be obtained.

3. In view of the fact that the proposed assignment could provide a third local FM broadcast service to Williston, North Dakota, the Commission believes it is appropriate to propose amending the FM Table of Assignment, § 73.202(b) of the Commission's Rule, with respect to the following community:

City	Channel No.	
	Present	Proposed
Williston, N.Dak.	241,253	241,235, and 266.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.— A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 6, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found 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, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-12523 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-415; RM-4301]

TV Broadcast Stations in Jacksonville, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 69 to Jacksonville, Florida, as its eighth television assignment, in response to a petition filed by David Allen Crabtree.

DATES: Comments must be filed on or before June 20, 1983, and reply comments on or before July 6, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), table of assignments, TV broadcast stations. (Jacksonville, Florida) (MM Docket No. 83-415, RM-4301).

Adopted: April 20, 1983.
Released: May 4, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by David Allen Crabtree ("petitioner"), seeking the assignment of UHF Television Channel 69 to Jacksonville, Florida, as its eighth television assignment. The channel can be assigned in compliance with the minimum distance separation requirements and other technical criteria. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. Jacksonville (population 540,898),[1] seat of Duval County (population 570,981), is located in northeast Florida, approximately 500 kilometers (320 miles) north of Miami.

3. In view of the fact that Jacksonville could receive its eighth local television broadcast service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the city of Jacksonville, Florida, as follows:

City	Channel No.	
	Present	Proposed
Jacksonville, Fla.	4+, *7, 12+, 17, 30+, 47-, and *59.	4+, *7, 12+, 17, 30+, 47-, *59, and 69.

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 6, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should not that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found 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, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in the *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-12525 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-414; RM-4297]

TV Broadcast Stations in Lebanon, Tennessee; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 66 to Lebanon, Tennessee, as its first television assignment, in response to a petition filed by Peggy Ann Rothchild.

DATES: Comments must be filed on or before June 20, 1983, and reply comments must be filed on or before July 6, 1982.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.606(b), table of assignments, TV broadcast stations. (Lebanon, Tennessee) (MM Docket No. 83-414, RM-4297).

Adopted: April 20, 1983.

Released: May 4, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed January 6, 1983, by Peggy Ann Rothchild ("petitioner") seeking the assignment of UHF Television Channel 66 to Lebanon, Tennessee, as its first television assignment.

2. Lebanon (population 11,872),[1] seat of Wilson County (population 56,064), is located in north central Tennessee, approximately 42 kilometers (26 miles) east of Nashville. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned consistent with the minimum distance separation requirements and other technical criteria.

3. In view of the fact that Lebanon could receive its first local television broadcast service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) for the following community:

City	Channel No.	
	Present	Proposed
Lebanon, Tenn.		66

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before June 20, 1983, and reply comments on or before July 6, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

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[1] Population figures are taken from the 1980 U.S. Census Advance Report.

However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(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.

Appendix

1. Pursuant to authority found 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, it is proposed to amend the TV Table of Assignments, § 73.606)(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making to* which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix as attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of fillings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set put in §§ 1.415 and 1.420 of the Commission's Rule and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-12524 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 48, No. 91
Tuesday, May 10, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: Notice is hereby given in accordance with Section 800.6(d)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that the Advisory Council on Historic Preservation will meet at the Old Post Office, 1100 Pennsylvania Avenue, NW., West Conference Room, Washington, D.C. The meeting is open to the public.

The Council was established by the National Historic Preservation Act of 1966 (16 U.S.C. Section 470) to advise the President and Congress on matters relating to historic preservation and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The Council's members are the Architect of the Capitol, the Secretaries of the Interior, Agriculture, Housing and Urban Development, Treasury, Transportation; the General Services Administrator; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor, a Mayor, and eight non-Federal members appointed by the President.

The Agenda for the meeting includes the following:

Call to order
Chairman's Welcome
Order of Business
Consideration of Minutes of April 12, 1983, Meeting
I. Report of the Executive Director
II. Report of the General Counsel
  A. Regulations Review
  B. Tax Study
III. Report of the Office of Cultural Resource Preservation
  A. Status of Section 106 Cases
IV. New Business

DATE: The meeting will begin at 9:00 a.m., Wednesday, June 1, 1983.

FOR FURTHER INFORMATION CONTACT: Additional information concerning either the meeting agenda or the submission of oral and written statements to the Council is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street NW., Suite 430, Washington, D.C. 20005; 202–254–3967.

Dated: May 5, 1983.

John M. Fowler,

Acting Executive Director.

[FR Doc. 83-12496 Filed 5-9-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

1983 Tobacco Price Support Levels

AGENCY: Commodity Credit Corporation (CCC), Department of Agriculture.

ACTION: Notice of proposed determination of 1983 Tobacco Price Support Levels.

SUMMARY: The purpose of this Notice of Proposed Determination is to request comments with respect to levels of price support which are required to be determined for all eligible kinds of tobacco for the 1983 marketing year in accordance with the Agricultural Act of 1949, as amended. The public is invited to submit written comments, views and recommendations concerning the proposed determinations.

DATE: Comments must be received on or before June 9, 1983 in order to be assured of consideration.

ADDRESS: Written comments should be sent to the Director, Analysis Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. All written submissions made pursuant to this notice will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 3741, USDA South Building, 14th and Independence Avenue, SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Robert H. Miller (202) 447–8839 or Robert Tarczy (202) 447–5187.

A Preliminary Regulatory Analysis Statement describing the options considered in developing this notice and the impact of implementing each option is available on request from Mr. Tarczy.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1, and has been classified as "not major." The provisions of this notice 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 governments, or geographical regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases, Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject of this notice.

Price suport is required to be made available for each crop of a kind of tobacco for which quotas are in effect or for which marketing quotas have not been disapproved by producers at a level which is determined in accordance with a formula prescribed in Section 106 of the Agricultural Act of 1949, as amended (7 U.S.C. 1445). Under Section 106(b), the level of support for such tobacco is determined by multiplying the support level for the 1959 crop of such kind of tobacco by the ratio of the average of the index of prices paid by farmers, including wage rates, interest, and taxes (collectively referred to as the "parity index") for the three previous calendar years to the average index of such prices paid by farmers, including wage rates, interest, and taxes for the 1959 calendar year.

Section 106(d) of the 1949 Act further provides that if the Secretary determines that the supply of any grade of any kind of tobacco of a crop for which marketing quotas are in effect or are not disapproved by producers will likely be excessive, the Secretary, after prior consultation with the association through which price support for the grade and kind of tobacco is made available to producers, may reduce the support rate which would otherwise be established for such grade of tobacco after taking into consideration the effect such reduction may have on the supply and price of other grades of other kinds of quota tobacco. However, the weighted average of the support rates for all eligible grades of such kind of tobacco must reflect, after such reduction, not less than: (1) 65 percent of the increase in the support level for such kind of tobacco which would otherwise be established under section 106, if the support level therefore is higher than the support level for the preceding crop, or (2) the support level for such kind of tobacco established under this section, if the support level therefore is not higher than the support level for the preceding crop. In determining whether the supply of any grade of any kind of tobacco of a crop will be excessive, the Secretary is required to take into consideration the domestic supply, including domestic inventories, the amount of such tobacco pledged as security for price support loans, and anticipated domestic and export demand, based on the maturity, uniformity and stalk position of such tobacco.

For the 1982 crop year, the Secretary of Agriculture reduced the level of support for flue-cured, types 11–14, burley, type 31, Virginia fire-cured, type 21, dark air-cured, types 35–36, cigar binder, types 51–52, and Puerto Rican, type 46, to the maximum extent permitted by Section 106(d) of the 1949 Act. However, no such adjustment in the levels of support was made for Kentucky-Tennessee fire-cured, tupes 22–23, Virginia sun-cured, type 37, and cigar filler and binder, types 42–44, 54–55.

In determining the levels of price support for the 1983 crops of various kinds of tobacco, the average parity indexes for the three previous crop years are: 1980=950, 1981=1035, 1982=1071. The 3-year average is 1,019. The ratio of the 1980–82 average parity index (1,019) to the 1959 average parity index (298) is 3.42. Accordingly, the support level for the 1983 crop of each eligible kind of tobacco prior to any adjustments (i.e., basic support level) is 342 percent of the 1959 level as shown in the following table:

Kind and type of tobacco	Adjustment factor (number)	Support level (cents per pound)	
		1959	1983
Flue-cured, types 11–14	3.42	55.5	189.8
Burley, type 31	3.42	57.2	195.6
Virginia fire-cured, type 21	3.42	38.8	132.7
Kentucky-Tennessee fire-cured, types 22-23	3.42	38.8	132.7
Dark air-cured, types 35–36	3.42	34.5	118.0
Virginia sun-cured, type 37	3.42	34.5	118.0
Cigar binder, types 51–52	3.42	39.6	135.4
Cigar filler and binder, types 42–44, 53–55	3.42	28.6	97.8
Puerto Rican, type 46	3.42	29.7	101.6

The increase in the basic support level from the 1982 year to the 1983 crop year is shown in the following table, which also shows the increase multiplied by 65 percent.

[Cents per pound]

Kind and type	Basic support level		Increase in 1983 from 1982	
	1982	1983	Unadjusted	Adjusted [1]
Flue-cured, types 11–14	175.9	189.8	13.9	9.0
Burley, type 31	181.3	195.6	14.3	9.3
Virginia fire-cured, type 21	123.0	132.7	9.7	6.3
Kentucky-Tennessee fire-cured, types 22-23	123.0	132.7	9.7	6.3
Dark air-cured, types 35–36	109.4	118.0	8.6	5.6
Virginia sun-cured, type 37	109.4	118.0	8.6	5.6
Cigar binder, types 51–52	125.5	135.4	9.9	6.4
Cigar filler and binder, types 42–44, 54–55	90.7	97.8	7.1	4.6
Puerto Rican, type 46	94.1	101.6	7.5	4.9

[1] 65 percent of total increase.

The increases in 1983 from 1982 (unadjusted and adjusted) when added to the 1982 effective supprot level result in the following minimum and maximum adjusted support levels for the 1983 crops of various kinds of tobaccos:

[Cents per pound]

Kind and type	Minimum	Maximum
Flue-cured, types 11–14	178.9	183.8
Burley, type 31	184.4	189.4
Virginia fire-cured, type 21	125.1	128.5
Kentucky-Tennessee fire-cured, types 22–23	129.3	132.7
Dark air-cured, types 35–36	111.3	114.3
Virginia sun-cured, type 37	115.0	118.0
Cigar binder, types 51–52	127.6	131.1
Cigar filler and binder, types 42–44, 54–55	95.3	97.8
Puerto Rican, type 46	95.8	98.4

The supplies of all kinds of tobacco for the 1982 crop year for which price support is made available are in excess of their respective reserve supply levels, i.e., the supply deemed adequate to meet domestic use and export needs. During the 1982 crop year, the percentage of the 1982 crop which was pledged as collateral for CCC price support loans ranged from 7 percent for Virginia fire-cured (type 21) to nearly 100 percent for Puerto Rican filler (type 46).

As of February 1, 1983, the tobacco loan associations held stocks (redried weight) of 842.9 million pounds (773.5 million of which were uncommitted) representing 1975 through 1982 crops of various kinds of tobacco.

Despite marketing quota reductions, the projected supplies of the various kinds of tobacco for the 1983 crop year will remain in excess of the respective reserve supply level as indicated in the following table:

Kind and type	1982/83		1983/84	
	Total supply[1]	Reserve supply level	Total supply [1]	Reserve supply level
	Million Pounds			
Flue-cured, types 11–14	3,135	2,566	3,035	2,550
Burley, type 31	1,851	1,678	1,881	1,672
Virginia fire-cured, type 21	14.4	12.8	14.5	13.6
Kentucky-Tennessee fire-cured, types 22–23	106.1	95.9	105.6	98.7
Dark air-cured, types 35–36	56.5	52.0	54.9	51.4
Virginia sun-cured, type 37	2.3	2.0	2.4	2.2
Cigar binder, types 51–52	10.2	8.0	10.3	9.1
Cigar filler and binder, types 42–44, 54–55	87.6	82.1	83.7	79.3
Puerto Rican, type 46	8.0	[2] 3.6	7.5	[2] 3.6

[1] Projected in Final Regulatory Impact Analyses for Quota Determinations.
[2] Three times annual disapperance past 3 marketing years.

Proposed Determinations

Accordingly, the Secretary of Agriculture proposes to determine and announce with respect to the kinds of 1983-crop tobacco set forth in the following table and adjusted price support level within the ranges indicated. Comments are requested with respect to the appropriate level of price support within these ranges for the various kinds of tobacco.

[Cents per pound]

Kind and type of tobacco	Average price support level
Flue-cured, type 11-14	178.9 - 183.8
Burley, type 31	184.4 - 189.4
Virginia fire-cured, type 21	125.1 - 126.5
Kentucky-Tennessee fire-cured, types 22-23	129.3 - 132.7
Dark air-cured, types 35-36	111.3 - 114.3
Virginia sun-cured, type 37	115.0 - 118.0
Cigar binder, types 51-52	127.6 - 131.1
Cigar filler and binder, types 42-44, 54-55	95.3 - 97.8
Puerto Rican, type 46	95.8 - 98.4

Signed at Washington, D.C. on May 5, 1983.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83-12301 Filed 5-9-83; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Northeastern Area-State and Private Forestry; Decision Notice and Finding of No Significant Impact; Cooperative Federal-State Spruce Budworm; Suppression Project, Vermont, 1983

An environmental assessement (EA) that discusses the 1983 proposed Cooperative Suppression Project for spruce budworm in Vermont has been prepared. In this project, the Vermont Department of Forests, Parks and Recreation in cooperation with the USDA Forest Service proposes to apply *Bacillus thuringiensis* (Bt) on about 4,000 acres and Sevin 4 Oil on about 1,000 acres in Caledonia, Essex, Lamoille, Orleans, and Washington Counties.

Decision Notice

It is my decision to provide Federal financial assistance for Vermont's proposed 1983 Spruce Budworm Cooperative Suppression project. As required by the National Environmental Policy (NEPA) reglations, this decision is based on an environmental analysis. The 1983 proposed project meets USDA Forest Service environmental, biological, economic and Federal role criteria for financial assistance. Mitigation measures and specific requirements are described in the EA and are adopted as minimum precautions.

Finding of No Significant Impact

I have determined that the proposed project based on the analysis described in the environmental Assessment, is not a major Federal action and will not cause any significant environmental impacts or adverse effects. Therefore, an environmental impact statement will not be prepared. This determination considered these factors: (a) EPA has approved Bt and Sevin 4 Oil for the proposed use; (b) all applications will comply with State and Federal laws; (c) management requirements, constraints and mitigation measures ensure against significant adverse effects; and (d) physical and biological effects are limited to planned treatment areas; there will be on adverse effects on any endangered plants or animals known to inhabit the affected environment; and (e) there are no apparent adverse cumulative or secondary effects.

Copies of the Environmental Assessment are available for public review at the following offices:

Agency of Environmental Conservaton, Department of Forests, Parks and Recreation, Montpelier, Vermont 05602;

USDA Forest Service, Northeastern Area, State and Private Forestry, Louis C. Wyman Forestry Sciences Laboratory, P.O. Box 640, Durham, New Hampshire 03824; or

USDA Forest Service, Northeastern Area, State and Private Forestry, 370 Reed Road, Broomall, PA 19008.

Implementation may take place immediately after the date of this decision. This decision is not subject to administrative review (appeal) pursuant to 36 CFR Part 211.19.

Dated: May 2, 1983.

Thomas N. Schenarts,

Area Director, Northeastern Area.

[FR Doc. 83-12459 Filed 5-9-83; 8:45 am]

BILLING CODE 3410-11-M

Mount St. Helens Scientific Advisory Board, Gifford Pinchot National Forest, Vancouver, Washington; Meeting

The Mount St. Helens Scientific Advisory Committee will meet at 9:00 a.m., May 26, 1983, at the Gifford Pinchot National Forest, Forest Supervisor's Office, 500 West 12th Street, Vancouver, Washington 98660, to develop scientific advice and recommendations relative to:

1. Corps of Engineers' planning process for Spirit Lake, Toutle, and Cowlitz Rivers.

2. On-going research project in the Mount St. Helens National Volcanic Monument.

3. Interpretation from the Congressional Record of "unimpeded" terminology in the Act.

4. Open discussion of topics of interest to the advisory board.

The meeting will be open to the public. Persons who wish to attend should notify Dr. Jack E. Wenjum, Chairperson, c/o Gifford Pinchot National Forest, Forest Supervisor's Office, 500 West 12th Street, Vancouver, WA 98660, 206-696-7570. Written statements may be filed with the committee before or after the meeting.

Dated: May 4, 1983.

Robert D. Tokarczyk,

Forest Supervisor.

[FR Doc. 83-12465 Filed 5-9-83; 8:45 am]

BILLING CODE 3410-11-M

Draft Environmental Impact Statement for a Regional Plan for the Lake Tahoe Basin, Tahoe Regional Planning Agency; South Lake Tahoe, California; Correction Notice

A draft environmental impact statement for a regional plan for the Lake Tahoe Basin was distributed to the public February 24, 1983, by the Tahoe Regional Planning Agency. In cooperation with the Planning Agency, the Forest Service published a notice of availability of the EIS in the **Federal Register** on March 31, 1983 (FR Vol. 48, No. 63, p.13470).

Pub. L. 95-557 was inadvertently quoted as the Compact that established the Tahoe Regional Planning Agency. The law that actually established the planning agency was Pub. L. 95-551.

All other information contained in the notice remains the same.

Dated: April 21, 1983.

David E. Ketcham,

Director of Environmental Coordination, USDA-Forest Service.

[FR Doc. 83-12428 Filed 5-9-83; 8:45 am]

BILLING CODE 3410-11-M

Interchange of Army Lands and National Forest Lands

In the matter of; Joint Interchange Order Between Department of the Army and Department of Agriculture; Interchange of Administrative Jurisdiction of Department of the Army Lands and National Forest Lands.

This is a notice of an interchange order which describes the interchange of administrative jurisdiction on 763.84 acres of land within the boundaries of the Jefferson National Forest, Virginia, from the Department of Agriculture to the Department of the Army and the interchange of administrative jurisdiction of 5,087 acres of land within the Jefferson National Forest, Virginia, from the Department of the Army to the Department of Agriculture.

The interchange order describes the tracts briefly. Legal descriptions are on file in the Office of the District Engineer, Huntington District, Corps of Engineers, Huntington, West Virginia, and the Office of the Forest Supervisor, Jefferson

National Forest, Roanoke, Virginia. The publication of this order will complete the interchange. Therefore, the order is published as follows:

R. Max Peterson,
Chief.
May 4, 1983.

Department of the Army

Department of Agriculture

North Fork of Pound Lake and John W. Flannagan Dam and Reservoir Projects; Virginia

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands.

By virtue of the authority vested in the Secretary of the Army and in the Secretary of Agriculture by the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b), it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army described in Exhibit A attached hereto and made a part hereof, which lands are within the exterior boundaries of the Jefferson National Forest, Virginia, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Secretary of Agriculture, subject to outstanding rights or interests of record and to such continued use by the Corps of Engineers of all of these lands which are necessary for the operation and maintenance of the North Fork of Pound River Lake project for its intended purpose of flood control; including, but not limited to the right to flooding of the area, to construct and maintain transmission lines, utilities, access roads, and to make improvements in the aid of navigation, and the right to prohibit construction and placing of fill material below spillway crest elevation 1644', except as approved in writing by the District Engineer. The Secretary of Agriculture will assume administration of all assignable outgrants and leases now existing on the North Fork of Pound River Lake project lands hereby transferred.

(2) The National Forest lands described in Exhibit B, attached hereto and made a part hereof, which are a part of the Jefferson National Forest, Virginia, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Secretary of the Army, subject to outstanding rights or interests of record.

(3) Pursuant to Section 2 of the aforesaid Act of July 26, 1956, the National Forest lands transferred to the Secretary of the Army by this order are hereafter subject only to the laws applicable to the Department of the Army lands comprising the John W. Flannagan Dam and Reservoir Project. The Department of the Army lands transferred to the Secretary of Agriculture by this order are hereby subject to the laws applicable to lands acquired under the Act of March 1, 1911 (38 Stat. 961), as amended.

Dated: February 24, 1983.
John O. Marsh, Jr.,
Secretary of the Army.

Dated: March 22, 1983.
John R. Block,
Secretary of Agriculture.

Exhibit A: Lands Transferred From the Secretary of the Army to the Secretary of Agriculture

Land under the jurisdiction of the Department of the Army for or in connection with the North Fork of Pound Lake project located in Wise County, Virginia, as follows:

Portions of Corps of Engineers Tract Numbers

111	114	131
112	119	
113	121	

All of Corps of Engineers Tract Numbers

100	222	419
101	223	421-1
102	224	421-2
103	226	422
104	227	423
106	227c	425c
107	228	501-1
108	229	501-2
109	230	502
111c	231	503
129	232	509
131c	233	511
201	234	512
202-1	300	513
202-2	301c	517
202-3	302	518
202-5	303	519
202-6	304	521
203	305	522
204	306	524
206	307	526
207	308	528
208	309	528c
209	403	529
210	404	531
211	406	533
212	407	534
213	408	536
214	411	537
215	411c	538
216	412	539
217	413	541
218	414	542
219	416	543
220	417	600
221	418	

All lands transferred herein consist of 5,087.00 acres, more or less. Legal descriptions of the transferred tracts, and Real Estate Segment Maps depicting their location, are on file in the office of the District Engineer, Huntington District Corps of Engineers, Huntington, West Virginia, and the office of the Forest Supervisor, Jefferson National Forest, Roanoke, Virginia.

Exhibit B; Lands Transferred From the Secretary of Agriculture to the Secretary of the Army

Land under the jurisdiction of the Department of Agriculture for or in connection with the Jefferson National Forest located in Dickenson County, Virginia, as follows:

Portions of Forerst Service Tract Numbers

550	550f

All of Forest Service Tract Numbers

550g	
550h	550L

All lands transferred herein consist of 763.84 acres, more or less. A complete legal description of the transferred tracts and survey plats depicting their location are on file in the office of the Forest Supervisor, Jefferson National Forest, Roanoke, Virginia, and in the office of the District Engineer, Huntington District Corps of Engineers, Huntington, West Virginia.

[FR Doc. 83-12427 Filed 5-9-83; 8:45 am]
BILLING CODE 3410-11-M

CIVIL AERONAUTICS BOARD

[Order 83-5-21, Docket 41455]

Applications, etc.: Order To Show Cause; Allair Vacations Canada Ltd. et al.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of order to show cause.

SUMMARY: The Board proposes to cancel the section 402 foreign air carrier permits of certain indirect foreign air carriers of passengers.

Dockets: 41455 and 38487.

Basis for Decision: The section 402 permit procedures for granting the necessary economic authority to indirect foreign air carriers of passengers has been replaced by a simple registration procedure (see SPR-179, 46 FR 56605, November 18, 1981 and SPR-183, 47 FR 5204, February 4, 1982). Ample time—over one year—has been provided for such permit holders to register under the new procedures. Thus, the foreign air carrier permits now held by the 18 such indirect foreign air carriers (see attachment to this notice) are duplicative and unnecessary, and should be cancelled. In addition a pending renewal application of Deutsches Reiseburo GmbH (Germany) d/b/a Der Travel Services has been dismissed as moot.

Objections: All interested persons having objections to the Board's tentative findings and conclusions that these permits should be cancelled, as described in the order cited above, shall, no later than June 24, 1983, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the indirect foreign air carriers listed in the attachment to the order cited above, the Department of Transportation, and the Department of State. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will make final the Board's tentative findings and conclusions to cancel the foreign air carrier permits of the indirect foreign air carriers listed on the attachment to this notice.

ADDRESSES:

For Objections: Docket 41455, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Addresses for the foreign indirect air carriers are listed in the attachment to the order cited above.

To Get a Copy of the Complete Order: Request it from the C.A.B. Distribution Section, Room 100, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Contact Regis P. Milan, Jr., Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5878.

By the Civil Aeronautics Board: May 3, 1983.

Phyllis T. Kaylor,

Secretary.

Name and address of indirect air carrier (or its designated agent) holding section 402 permit	Holder's homeland	Order No. and effective date of permit
Altair Vacations Canada Limited, Anderson & Pendleton, 1000 Connecticut Ave., N.W., Suite 707, Washington, DC 20006.	Canada	76-1-64, Jan. 15, 1976.
Club Mediterranee S.A. (France), d/b/a/ Club Med. Inc., (U.S.A.)[1] United States Corporation Company, 306 South State Street, Dover, Deleware.	France	78-8-69, Aug. 14, 1978.
Deutsches Reiseburo GmbH (Germany), d/b/a/ Der Travel Service,[1] Paul Reiber, 6714 Whittier Avenue, McLean, VA 22101.	Federal Republic of Germany	78-8-61, Aug. 11, 1978.
Globus-Gateway Tours, Ltd. (Switzerland), John A. Martinen, 69-15 Austin Street, Forest Hills, NY 11375	Switzerland	78-5-9, May 2, 1978.
Holland Amerika Lijn, N.V., Boros & Garofalo, P.C., 1120 Connecticut Ave., N.W., Suite 460, Washington, DC 20036	Netherlands	80-5-30, May 5, 1980.
International Developers, Inc. (JAPAN) d/b/a/ Toyo World Enterprises of California, Inc., Harry A. Bowen, Bowen and Atkin, 2020 K Street, N.W., Suite 350, Washington, DC 20006.	Japan	79-1-123, Jan. 19, 1979.
Japan Travel Bureau, Inc. d/b/a/ Japan Travel Bureau International Inc.,[1] Mr. Carol Lyttle, Jr., Whitman & Ransom, 522 Fifth Avenue, New York, NY 10036.	Japan	80-6-174, June 27, 1980.
Jetsave Ltd. (United Kingdom),[1] Paul Mowforth, 17044 Collins Avenue, Miami Beach, FL 33160	United Kingdom	77-3-44, Mar. 5, 1977.
Kinki Nippon Tourist Co. (Japan), d/b/a/ Kintetsu World Express, Inc. (U.S.A.), Mr. Robert N. Meiser, 910 17th Street, N.W., Suite 828, Washington, DC 20006.	Japan	79-8-149, Aug. 27, 1979.
Kuoni Travel Limited (Switzerland), d/b/a Kuoni Travel, Inc., Mr. Richard J. Kendall, Shaw, Pittman, Potts & Trowbridge, 910 17th Street, N.W., Washington, DC 20006.	Switzerland	76-6-135, June 17, 1976.
Laker Air Travel Limited,[2] Mr. Robert M. Beckman, 1001 Connecticut Ave., N.W., Suite 235, Washington, DC 20036	United Kingdom	80-5-96, May 14, 1980.
Reiseburo Schwaben International GmbH (Germany), d/b/a Schwaben,[1] Morris R. Garfinkle, Galland, Kharasch, Galkins & Short, P.C., 1054 31st street, N.W., Washington, DC 20007.	Federal Republic of Germany	78-5-7, May 2, 1978.
Sun Tours Limited (Canada), Mr. Paul M. Ruden, Wilner & Scheiner, 1200 New Hampshire Ave., N.W., Washington, DC 20036.	Canada	77-5-55, May 11, 1977.
Sytour SC, Robert M. Hausman, Hausman and Rosenthal, 2020 K Street, N.W., Washington, DC 20006	Belgium	78-1-93, Jan. 19, 1978.
Thomas Cook Overseas, Ltd. (Great Britain), d/b/a Thomas Cook, Inc. (U.S.A), Mr. Charles A. Hobbs, Wilkinson, Cragun & Barker, 1735 New York Ave., N.W., Washington, DC 20006.	United Kingdom	77-3-90, Mar. 14, 1977.
Top Tours, S.A. (Spain), d/b/a TTI Travel, Inc. (U.S.A.), Howard S. Boros, Boros & Garofalo, P.C., 1120 Connecticut Ave., N.W., Suite 460, Bender Building, Washington, DC 20036.	Spain	80-5-184, May 28, 1980.
Travac, A.G. (Switzerland),[3] W. J. Deacon, 1270 Broadway, New York, NY 10001	Switzerland	79-8-145, Aug. 27, 1979.
Travelair AG (Switzerland),[1] 530 Fifth Avenue, New York, NY 10036	Switzerland	79-8-146, Aug. 27, 1979.

[1] Registered under new Subpart F "Registrtion of Foreign Charter Operators", to Part 380.
[2] Laker Air Travel Limited (LATL) has not registered under Part 380. However, LATL's former owners have registered under the name Freddie Laker's Skytrain Limited d/b/a Laker Travel d/b/a Laker.
[3] Travac, A.G. (Switzerland) has not registered under Part 380. The sole owner of this entity also is a part owner (45%) of Travac Tours and Charter, Inc. (another Swiss charter operator) which has registered under Part 380.

[FR Doc. 83-12329 Filed 5-9-83; 8:45 am]
BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; University of California et al.

The following are notices of the receipt of applications for duty-free entry of scientific instruments published pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897) and the regulations issued pursuant thereto (15 CFR Part 301 as amended by 47 FR 32517).

Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the instrument is intended to be used is being manufactured in the United States. Comments must be filed in accordance with § 301.5(a) (3) and (4) of the regulations. They are to be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the **Federal Register.**

A copy of each application is on file in the Department of Commerce, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, Room 1523, 14th and Constitution Avenue, NW., Washington, D.C. 20230

Docket No.: 83-91. Applicant: University of California, Lawrence Livermore National Laboratory, P.O. Box 808, Livermore, CA 94550. Instrument: Excimer Laser, Model EMG 101E and Accessories. Manufacturer: Lambda Physik GmbH and Co., West Germany. Intended use of instrument: The instrument will be used for studies of tritium recovery surface physics and chemistry, and other laser photophysics and chemistry applications. In the tritium studies, the ultraviolet laser output will be used to produce gas-phase radicals to study reaction kinetics. It will also be used as a CO_2 laser to pump an ammonia laser, which will be used for tritium recovery. In the surface studies, its wide range of available ultraviolet wavelengths, high pulse energy, and long gas fill lifetime will permit studies of surface cleaning, doping and metal and insulator deposition on semiconductors.

Application received by Commissioner of Customs: April 21, 1983.

Docket No.: 83–173. Applicant: National Institutes of Health, Radiation Oncology Branch/Division of Cancer Treatment/National Cancer Institute, 9000 Rockville Pike, Building 10, Room B3B69, Bethesda, MD 20205. Instrument: Medical Linear Accelerator (Microtron). Manufacturer: Acanditronix, Sweden. Intended use of instrument: The instrument is intended to be used for studing the use of intraoperative radiation. Application received by Commissioner of Customs: April 19, 1983.

Docket No.: 83–175. Applicant: University of Florida/Shands Hospital, Inc., Division of Surgical Pathology, Box J–275, JHMHC, Gainesville, FL 32610. Instrument: Electron Microscope, Model 109 with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of instrument: The instrument is intended to be use to examine the ultrastructure of human and other animal tissues during experiments which require the identification of the pathologic metabolism, malignant transformation and virus infection. In addition, the instrument will be used in teaching graduate students, medical students, and pathology residents in the courses: Basic Pathology, Surgical Pathology, Masters and Doctoral Thesis and Dissertation and Pathology Residency. Application Received by Commissioner of Customs: April 19, 1983.

Docket No.: 83–177. Applicant: University of California, San Diego, Department of Physics, B–019, La Jolla, CA 92093. Instrument: Superconducting Magnet with Gradient Coils and Accessories. Manufacturer: Cryogenic Consultants Ltd., United Kingdom. Intended use of instrument: The instrument is intended to be used for research involving the characterization of magnetic and superconducting materials to work towards an understanding of the mechanism underlying these phenomena. Future work includes continuing studies of ternary rare earth magnetic superconductors, valence fluctuations in various rare earth compounds and the effect of pressure on these and other substances. An important property in any of these investigations is the magnetic susceptibility as a function of temperature. The instrument will also be used to train four graduate students in physics research in the operation of the Faraday balance susceptometer and the associated low temperature apparatus. Application received by Commission of Customs: April 19, 1983.

Docket No.: 83–178. Applicant: Michael Reese Hospital and Medical Center, Lake Shore Drive at 31st Street, Chicago, IL 60616. Instrument: Therac 20/Saturne Liner Accelerator, Model G2900C with Accessories. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of instrument: The instrument is intended to be used for the following neutron versus photon plus electron studies:

1. A randomized study of neutrons and conventional radiotherapy in malignant inoperable, recurrent, and resectable head and neck tumors;

2. Non-randomized study of the value of radiation therapy using neutrons alone or in combination with surgery for the treatment of clinical stage B_2 or C or D_1 bladder carcinoma;

3. The value of radiation therapy using neutrons alone or in combination with photons in the treatment of clinical stage C adenocarcinoma of the prostate;

4. Neutron therapy in the treatment of squamous cell carcinoma of uterine cervix;

5. Treatment of squamous cell carcinoma of the oral cavity, pharynx and larynx using neutron therapy as the only planned modality;

6. Neutron therapy in the treatment of potentially operable patient with squamous cell carcinoma of the oral cavity, pharynx and larynx;

7. Efficacy of a supplementary neutron boost following irradiation of squamous cell carcinoma of the oral cavity, pharynx and larynx;

8. A randomized study of neutron therapy in the treatment of non-resectable adenocarcinoma of the pancreas;

9. A pilot study of the use of neutron beam therapy combined with Misonidazole in the treatment of high grade astrocytomas of the brain;

10. A non-randomized study of the efficacy of neutron beam therapy followed by systemic chemotherapy in the treatment of non-resectable epidermoid cancers of the lung;

Additional cooperative protocol studies not entailing the use of neutrons include:

11. A phase II protocol for the evaluation of Misonidazole combined with radiation in the treatment of patients with advanced pelvic malignancy;

12. A randomized phase III protocol for the evaluation of Misonidazole combined with radiation in the treatment of patients with brain metastases;

13. Evaluation of Misonidazole combined with radiation in the treatment of non-resectable carcinomas of the esophagus.

In addition, the instrument is intended to be used in the training of physicians. Application received by Commissioner of Customs: April 20, 1983.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 83–12500 Filed 5–9–83; 8:45 am]

BILLING CODE 3510–25–M

Fiber Optic Subcommittee of the Telecommunications Equipment Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act. The Subcommittee was established on October 5, 1981, pursuant to the charter of the Committee.

The Fiber Optic Subcommittee was formed to study fiber optic communications equipment with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Time and place: May 24, 1983, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Avenue, NW., Washington, D.C.

The Subcommittee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in

5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret A. Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-2583.

Dated: April 29, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-12458 Filed 5-9-83; 8:45 am]

BILLING CODE 3510-25-M

Telecommunication Equipment Technical Advisory Committee; Closed Meeting

AGENCY: International Trade Administration, Department of Commerce.

SUMMARY: The Telecommunications Equipment Technical Advisory Committee was initially established on October 23, 1973, and rechartered on September 18, 1981, in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving: (A) Technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to telecommunications equipment or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

Time and place: May 25, 1983, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 1851, 14th Street and Constitution Avenue, NW., Washington, D.C. The committee will meet only in executive session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION CONTACT: Mrs. Margaret Cornejo, Committee Control Officer, Office of Export Administration, Room 2613, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-2583.

Dated: April 29, 1983.

Milton Baltas,

Director of Technical Programs, Office of Export Administration.

[FR Doc. 83-12457 Filed 5-9-83; 8:45 am]

BILLING CODE 3510-25-M

Petitions by Producing Firms for Determinations of Eligibility To Apply for Trade Adjustment Assistance; Northwest Equipment Co., Inc., et al.

Petitions have been accepted for filing from the following firms: (1) Northwest Equipment Company, Inc., P.O. Box 10473, Yakima, Washington 98909, producer of farm implements, packing equipment, conveyors and parts (accepted April 12, 1983); (2) Homestead Woolen Mills, Inc., West Swanzey, New Hampshire 03469, producer of fabrics (accepted April 12, 1983); (3) Interstate Drop Forge Company, Milwaukee, Wisconsin 53216, producer of steel forgings and dies (accepted April 12, 1983); (4) Moore Clear Company, P.O. Box 42248, Portland, Oregon 97242, producer of iron castings (accepted April 12, 1983); (5) Progressive Furniture Company, Inc., N.W. Corner 32nd & Reed Streets, Philadelphia, Pennsylvania 19146, producer of dinette furniture (accepted April 12, 1983); (6) Wall Industries, Inc., P.O. Box 560, Elkin, North Carolina 28621, producer of cordage (accepted April 12, 1983); (7) Rielly Company, Inc., 109 River Street, Valatie, New York 12184, producer of women's and girls' apparel tops (accepted April 12, 1983); (8) Springfield Foundry Company, Inc., 295 Pasco Road, Indian Orchard, Massachusetts 01151, producer of iron castings (accepted April 12, 1983); (9) The Lightning Group, Inc., P.O. Box 8, Duncannon, Pennsylvania 17020, producer of juvenile furniture, toys and games (accepted April 12, 1983); (10) BGW Systems, Inc., 13130 South Yukon Avenue, Hawthorne, California 90250, producer of audio equipment (accepted April 12, 1983); (11) Houck Industries, Inc., 437 North M Street, Tulare, California 93274, producer of metal drawer slides (accepted April 12, 1983); (12) Arrow Huss, Inc., 5600 Butler Lane, Scotts Valley, California 95066, producer of amusement park rides (accepted April 13, 1983); (13) Terex Corporation, 5405 Darrow Road, Hudson, Ohio 44236, producer of bulldozers, haulers, loaders and scrapers (accepted April 13, 1983); (14) The L. N. Gross Company, 701 Beta Drive, Mayfield Village, Ohio 44143, producer of women's jackets, skirts, blouses and slacks (accepted April 14, 1983); (15) Nicole Originals, Ltd., 3701 N. Ravenswood Avenue, Chicago, Illinois 60613, producer of women's dresses (accepted April 14, 1983); (16) Chromex Chemical Corporation, 19 Clay Street, Brooklyn, New York 11222, producer of writing instruments and parts, ink and cosmetics (accepted April 14, 1983); (17) Macalloy Corporation, P.O. Box 130, Charleston, South Carolina 29402, producer of ferrochromium (accepted April 15, 1983); (18) Tru-Cut, Inc., 28 W. 020 Commercial Avenue, Barrington, Illinois 60010, producer of drill bits (accepted April 15, 1983); (19) Chapman Farms, R.D. No. 1, Cassville, New York 13318, producer of potatoes, peas, carrots and oats (accepted April 15, 1983); (20) Rainbow Dyeing & Finishing, Inc., 20-21 Wagaraw Road, Fair Lawn, New Jersey 07481, producer of fabric (accepted April 18, 1983); (21) Volco Brass and Copper Company, 801 Kenilworth Boulevard, Kenilworth, New Jersey 07033, producer of wire (accepted April 18, 1983); (22) Kolet Industries Company, Inc., P.O. Box 1701, Lahaina, Hawaii 96761, producer of hats (accepted April 18, 1983); (23) Tiny Folks, Inc., 135 West 29th Street, New York, New York 10001, producer of children's jumpers, skirts, blouses; overalls and pants (accepted April 19, 1983); (24) Pumice Products Company, Inc., 1300 East Franklin Road, Meridian, Idaho 83642, producer of concrete building blocks (accepted April 19, 1983); (25) Leo's Quality Foods, Inc., 1850 W. Slauson Avenue, Los Angeles,

California 90047, processor of meat (accepted April 19, 1983); (26) El Paso Brick Company, Inc., P.O. Box 12336, El Paso, Texas 79912, producer of brick and tile (accepted April 20, 1983); (27) The Arkansas Company, Inc., 185 Foundry Street, Newark, New Jersey 07105, producer of chemicals (accepted April 21, 1983); (28) Tipco Sportswear, Inc., 1678 Atlanta Road, S.E., Smyrna, Georgia 30080, producer of women's slacks and shorts (accepted April 22, 1983); (29) Whitin Roberts Company, P.O. Box 1889, Charlotte, North Carolina 28233, producer of textile machinery and parts (accepted April 22, 1983); (30) Michael Berkowitz International, Inc., 180 Madison Avenue, New York, New York 10016, producer of men's and women's sleepwear and robes; women's lingerie, blouses and dresses; and disposable face masks (accepted April 26, 1983); (31) Omega Fashions, Ltd., 387 Park Avenue South, New York, New York 10016, producer of women's belts (accepted April 27, 1983); (32) All Fab Corporation, Building C–19, Paine Field, Everett, Washington 98204, producer of airplane parts (accepted April 27, 1983); (33) I. D. Watch Case Company, Inc., 137–11 90th Avenue, Jamaica, New York 11435, producer of watch cases and bands (accepted April 27, 1983); and (34) Suisan Fruit Processing Company, Inc., 1965 Kamehameha Avenue, Hilo, Hawaii 96720, processor of fruit (accepted April 29, 1983);

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93–618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Director, Certification Division, Office of Trade Adjustment Assistance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.039, Trade Adjustment Assistance. Inasfar as this notice involves petitions for the determination of eligibility under the Trade Act of 1974, the requirements of Office of Management and Budget Circular No. A–95 regarding review by clearinghouses do not apply.

Jack W. Osburn, Jr.,

Director, Certification Division, Office of Trade Adjustment Assistance.

[FR Doc. 83-12456 Filed 5-9-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Solicitation of Applications

May 3, 1983.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning September 1, 1983 in the Orlando, Florida SMSA. The cost of the project is estimated to be $187,000. The maximum Federal participation amount is $168,300. The minimum amount required for non-Federal participation is $187,000. The award number will be 04–10–83010–01.

Applicants shall be required to contribute at least 10% of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: June 3, 1983.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency (Appropriate Address).

FOR FURTHER INFORMATION CONTACT: Gordon Anderson/Karen Davis, Telephone 404–881–3094.

SUPPLEMENTARY INFORMATION: .

A. Scope and Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants.

Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process.

All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications.

The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—the organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and expereience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—background credentials and references for the owners of the organization and a capability

statement of what the organization can do.

—knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and adminsitrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public-agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Costs*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—clear explanations of all expenditures proposed, and

—the extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC). Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms.

This program is subject to OMB Circular A-95 requirements.

Questions concerning the proceeding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

G. A pre-application conference to assist all interested applicants will be be held at the above address on May 19, 1983 at 1:00 p.m.

(11.800 Minority Business Development Catalog of Federal Domestic Assistance)

Dated: May 3, 1983.

Stanley W. Tate,

Regional Director.

[FR Doc. 83-12484 Filed 5-9-83; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

National Marine Fisheries Service; Receipt of Application for Permit; Mystic Marinelife Aquarium

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and IMporting of Marine Mammals (50 CFR Part 216).

1. Applicant: Mystic Marinelife Aquarium (P13"0") Mystic, Connecticut 06355.

2. Type of Permit: Public Display.

3. Name and Number of Animals: Gray seals (*Halichoerus grypus*) (2).

4. Type of Take: To take for permanent maintenance.

5. Location of Activity: Canadian, Nova Scotia, waters.

6. Period of Activity: Three (3) years.

The arrangement and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangement and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application 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 application 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 application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application 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: May 4, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division, National Marine Fisheries Service.

[FR Doc. 83-12489 Filed 5-9-83; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Receipt of Application for Permit; Oregon State University

Notice is hereby given that an Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant: Dr. Bruce R. Mate and James R. Harvey (P129D), School of Oceanography, Oregon State University Marine Science Center, Newport, Oregon 97365.

2. Type of Permit: Scientific Research.

3. Name and Number of Animals: Harbor seals (Phoca vitulina). 90

4. Type of Take: Radio tagging 30 juvenile or non-lactating adults per year. Up to 100 harbor seals may be harassed up to ten times a year in the course of tagging the animals.

5. Location of Activity: Oregon Coast, Yaquina Bay.

6. Period Activity: 3 years.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application 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 application 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 application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following officers:

Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.; and

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: May 4, 1983.

R. B. Brumsted,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-12488 Filed 5-9-83; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Crops of Engineers, Department of the Army

Intent To Prepare Draft Supplement to the Final Environmental Impact Statement (EIS) of the Eastern Rapides and South-Central Avoyelles Parishes, Louisiana, Project

AGENCY: *Lead Agency:* Army Corps of Engineers, DOD.

Cooperating Agency: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare a draft supplement to the final EIS.

SUMMARY: 1. *Proposed Action.* The proposed work to be analyzed in this statement consists of actions by both the Soil Conservation Service (SCS) and the Corps of Engineers (COE). The SCS portion consists of two separate watershed projects within Rapides, Avoyelles, and St. Landry parishes to provide major drainage laterals which were developed under the authority of Pub. L. 83-566. The COE portion consists of improvements to provide for an adequate outlet for the watershed projects to be implemented. The authorized improvements consist of clearing and snagging or channel enlargement of the Chatlin Lake Canal, Bayou du Lac, Bayou des Glaises, and the Bayou des Glaises diversion channel from the vicinity of Alexandria in Rapides Parish to Darbonne Bay near Courtableau in St. Landry Parish. At Darbonne Bay a gated drainage structure and associated works would provide for the diversion of floodflows through the west Atchafalaya Basin protection levee to the West Atchafalaya Floodway, and an outlet channel would convey floodflows from the structure to low land in the floodway. An additional outlet channel would be provided through the Butte LaRose ridge in the Atchafalaya Basin Floodway near Butte LaRose, Louisiana, in St. Martin Parish. The acquisition and development for waterfowl and crawfish of the 3,700 acre Lake Pearl area in Avoyelles Parish is included as a mitigative feature of the project.

2. *Alternatives.* a. Two COE action alternatives other than the proposal were considered in the final array of alternatives. Although these final two alternatives have been eliminated due to excessive costs they are identified for the record.

(1) Plan 1 proposed the construction of a new channel from approximately Long Bridge to Hamburg and a pumping station to evacuate the floodflows from the basin. All features above Long Bridge would be similar to the proposed action. There would be no improvements to watercourses or other construction below this area.

(2) Plan 2 proposed the implementation of all channel improvement features from Chatlin Lake Canal to just north of Hwy. U.S. 190. Beginning downstream of the weirs just below Hwy. 190, the landside borrow pit adjacent to the protection levee would be enlarged to Lake Fausse Point. Additional enlargement of the Charenton Drainage Canal would be accomplished to allow the passage of floodflows to West Cote Blanche Bay and the Gulf of Mexico.

b. The alternative of no action is also being considered.

3. *Scoping Process.* a. The initial public meeting was held in November 1964 in connection with the survey study which resulted in the authorization for flood control improvements in the area. Public meetings were held on June 16 and 17, 1976, in Marksville and Opelousas, at which the proposal and ten alternatives were presented to the public for consideration. Various informal meetings have been held with federal and state agencies regarding evaluation of the project upon fish and wildlife resources.

b. Significant issues to be addressed in the draft supplemental EIS include effects on the following resources: agricultural lands, bottom land hardwood forests, aquatic resources, Henderson Lake, Lake Pearl, wildlife resources, threatened and endangered species, cultural resources, water quality, recreation resources, and socioeconomic resources.

c. The U.S. Fish and Wildlife Service will provide a draft Coordination Act Report to accompany the draft supplemental EIS.

d. Coordination will be maintained with the U.S. Fish and Wildlife Service, the Louisiana Department of Wildlife and Fisheries, and any other interested agency as the study progresses.

4. *Availability.* A definite schedule has not been established for the availability of the draft supplemental EIS. Funds are not available in FY 84 for report preparation. If funds are available in FY 85, the draft supplemental EIS should be available by January, 1985.

ADDRESS: Questions concerning the proposed action and the draft supplemental EIS should be addressed to Mr. William C. Wilson (LMNPD-RE), U.S. Army Corps of Engineers, P.O. Box 60267, New Orleans, LA 70160, telephone (504) 838-2527.

Dated: May 2, 1983.

Robert C. Lee,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 83-12481 Filed 5-9-83; 8:45 am]

BILLING CODE 3710-GX-M

DEPARTMENT OF EDUCATION

National Advisory Council on Women's Educational Programs; Meeting

AGENCY: National Advisory Council on Women's Educational Programs, Education Department.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Women's Educational Programs, and its Executive, Civil Rights, Federal Policies, Practices, and Programs, and Women's Educational Equity Act Program Committees. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES:

June 1, 1983, 1:00 p.m. to 5:00 p.m.
June 2, 1983, 7:30 a.m. to 9:30 a.m., 10:00 a.m. to 12:30 p.m. and 2:00 p.m. to 5:00 p.m.
June 3, 1983, 9:00 a.m. to 12:00 p.m., and 1:30 p.m. to 3:30 p.m.

ADDRESS: The meetings will be held at Hotel Washington, Pennsylvania Avenue at 15th Street, N.W. and also at the Council offices at 425 13th Street, N.W., Suite 416, Washington, D.C. (See details below for exact location and times of meetings.)

FOR FURTHER INFORMATION CONTACT: Sharon Petersen, Administrative Assistant to the Executive Director, National Advisory Council on Women's Educational Programs, 425 13th Street, N.W., Suite 416, Washington, D.C. 20004; (202) 376-1038.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Women's Educational Programs is established pursuant to Pub. L. 95-561. The Council is mandated to: (a) Advise the Secretary on matters relating to equal education opportunities for women and policy matters relating to the administration of the Women's Educational Equity Act of 1978; (b) make recommendations to the Secretary with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; (c) recommend criteria for the establishment of program priorities; (d) make such reports as the Council determines appropriate to the President and Congress on the activities of the Council; and (e) disseminate information concerning the activities of the Council.

The meeting of the Executive Committee meeting will take place on June 2, 1983, at the Hotel Washington, Pennsylvania Avenue at 15th Street, N.W. from 7:30 a.m. to 9:30 a.m. The agenda will include committee reports, personnel, the annual report and 1984 budget.

The meetings of the Civil Rights Committee, Women's Educational Equity Act Program Committee and the Federal Policies, Practices and Programs Committee will take place on June 1, 1983 from 1:00 p.m. to 5:00 p.m. at the Council offices, 425 13th Street, N.W., Suite 416, Washington, D.C.

The agenda of the Civil Rights Committee will include a review of the status of the Ambassadorship videotape, discussion of the menu of services and election of vice-chair.

The agenda of the Federal Policies, Practices and Programs Committee will include a report on Re-entry/Career Fulfillment Conferences and the report to the Council on these proposals.

The agenda of the Women's Educational Equity Act Program Committee will include revision of the site visit evaluation form.

The meeting of the National Advisory Council on Women's Educational Programs will take place June 2, 1983, from 10:00 a.m. to 12:30 p.m. and from 2:00 p.m. to 5:00 p.m. and June 3, 1983, from 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 3:30 p.m. at the Hotel Washington, Pennsylvania Avenue at 15th Street, N.W.

The agenda will include committee reports, personnel, the Annual Report and the 1984 budget.

The meeting of the Council will be open to the public. Records will be kept of the proceedings and will be available for public inspection at the office of the National Advisory Council on Women's Educational Programs, 425 13th Street, N.W., Suite 416, Washington, D.C. 20004.

Signed at Washington, D.C. on May 5, 1983.

Rosemary Thomson,

Executive Director.

[FR Doc. 83-12531 Filed 5-9-83; 8:45 am]

BILLING CODE 4000-01-M

National Advisory Council on Continuing Education; Meeting

AGENCY: National Advisory Council on Continuing Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the National Advisory Council on Continuing Education. It also describes the functions of the Council. Notice of meetings is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: June 1, 2, and 3, 1983.

ADDRESS: College of Saint Mary, 1901 South 72nd Street, Omaha, Nebraska 68124.

FOR FURTHER INFORMATION CONTACT: Dr. William G. Shannon, Executive Director, National Advisory Council on

Continuing Education, 425 Thirteenth Street, NW.; Suite 529, Washington, D.C. 20004, telephone: (202) 376–8888.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Continuing Education is established under Section 117 of the Higher Education Act (20 U.S.C. 1009), as amended. The Council is established to advise the President, the Congress, and the Secretary of the Department of Education on the following subjects:

(a) An examination of all federally supported continuing education and training programs, and recommendations to eliminate duplication and encourage coordination among these programs;

(b) the preparation of general regulations and the development of policies and procedures related to the administration of Title I of the Higher Education Act; and

(c) activities that will lead to changes in the legislative provisions of this title and other federal laws affecting federal continuing education and training programs.

The meetings of the Council are open to the public. However, because of limited space, those interested in attending are asked to call the Council's office beforehand.

The Council meeting will be held from 2:00 p.m. until 5:00 p.m., and from 7:00 p.m. until 9:00 p.m. on June 1; from 9:00 a.m. until 5:00 p.m., and from 7:00 p.m. until 9:00 p.m. on June 2; and from 9:00 a.m. until 12:00 Noon on June 3, 1983.

The proposed agenda includes:

—*Panel discussion:* Developing partnerships between the corporate sector and higher education.
—*Review of draft statements:*
"The Federal Government and Student Financial Assistance",
"The Federal Government and Aid to Postsecondary Institutions",
"Building Partnerships", and
"Federal Policy on Continuing Education and Training".
—*Planning annual report for 1982–1983*
—*Other Council business*

Records are kept of all Council proceedings and are available for public inspection at the office of the National Advisory Council on Continuing Education, 425 Thirteenth Street, NW.; Suite 529, Washington, D.C.

Signed at Washington, D.C. on May 4, 1983.

William G. Shannon,

Executive Director.

[FR Doc. 83-12450 Filed 5-9-83; 8:45 am]

BILLING CODE 4000-01-M

National Board of the Fund for the Improvement of Postsecondary Education; Meeting

AGENCY: National Board of the Fund for the Improvement of Postsecondary Education.

ACTION: Notice of closed meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463, Section 10(a)(2)).

DATE: June 5, 1983 at 5:00 p.m. through June 7, 1983 at 2:00 p.m.

ADDRESS: Marriott's Hunt Valley Inn, Hunt Valley, Maryland.

FOR FURTHER INFORMATION CONTACT: Sven Groennings, Director, Fund for the Improvement of Postsecondary Education, 7th & D Streets, SW., Washington, D.C. 20202 (202–245–8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education is established under Section 1001 of the Higher Education Amendments of 1980, Title X (20 U.S.C. 1135a–1). The National Board of the Fund is established to "advise the Secretary and the director of the Fund for the Improvement of Postsecondary Education * * * on the selection of projects under consideration for support by the Fund in its competitions."

The meeting of the National Board is closed to the public. The meeting is for the sole purpose of reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program.

The meeting of the National Board of the Fund will be closed to the public from 5:00 p.m., June 5 until the conclusion of the agenda, approximately 2:00 p.m., June 7 for review, discussion or consideration of proposals submitted to the Fund for grant awards. The meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix I) and under exemptions (4) and (6) of Section 552(c) of the Government in the Sunshine Act (Pub. L 94–409; 5 U.S.C. 552(c) (4) and (6)). Discussions of the applications and the qualifications of proposed staff will disclose commercial or financial information obtained from applicants which is confidential or disclose information of a personal nature where disclosure of such matters to the public would consititute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5, U.S.C. 552(c) will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the Fund for the Improvement of Postsecondary Education, Room 3100, Regional Office Building, 7th and D Streets, SW., Washington, D.C. 20202 from the hours of 8:00 a.m. to 4:30 p.m.

Dated: May 4, 1983.

Edwarld M. Elmendorf,

Assistant Secretary for Postsecondary Education.

[FR Doc. 83-12449 Filed 5-9-83; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Energy Information Administration

Petroleum Supply Reporting System Forms; Solicitation of Comments and Notice of Public Hearing

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Solicitation of comments and notice of public hearing.

SUMMARY: The Energy Information Administration (EIA) of the Department of Energy solicits comments concerning proposed changes to the Petroleum Supply Reporting System forms. In an effort to maximize public participation in the discussion of revisions to these forms, the EIA will conduct a public hearing on Friday, June 10, 1983 in Room 1E245 of the Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, beginning at 9:00 a.m. (e.d.t.)

DATES: Those wishing to provide oral testimony at the public hearing must request to speak at the hearing by 4:30 p.m. Monday, May 23, 1983 and must submit a copy of their presentation to the EIA by 4:30 p.m. Tuesday, May 31, 1983.

Those wishing to provide written comments only must submit a copy of their comments to the EIA by 4:30 p.m. Friday, June 3, 1983.

ADDRESS: Send comments, requests to speak at the hearing, and written presentation to: Special Projects Manager, EI–422, Mail Stop 2H–058, Office of Oil and Gas, Energy

Information Administration, Washington, D.C. 20585.

For Further Information or Copies of Proposed Changes Contact: Paul Chapman, EI–422, Mail Stop 2H–058, Office of Oil and Gas, Energy Information Administration, Washington, D.C. 20585, Telephone: 202–252–8384.

SUPPLEMENTARY INFORMATION:

I. Background
II. Comments and Public Hearing Procedures

I. Background

In accordance with provisions of the Department of Energy (DOE) Organization Act (Pub. L. No. 95–91), the Energy Information Administration (EIA) is responsible for carrying out comprehensive national energy data programs including the compilation and dissemination of economic and statistical information. In keeping with DOE's mandated responsibilities and in an effort to minimize respondent burden, the EIA proposes changes in the following petroleum supply data collection forms:

Monthly Refinery Report (Form EIA–810)

Monthly Bulk Terminal Stocks Report (Form EIA–811)

Monthly Product Pipeline Report (Form EIA–812)

Monthly Natural Gas Liquids Report (Form EIA–816)

Annual Sales of Liquefied Petroleum Gases (Form EIA–174)

Annual Refinery Report (Form EIA–820)

The proposed changes and modifications are designed to reduce respondent burden.

The proposed changes are summarized below:

1. Form EIA–810 (Monthly Refinery Report)—

a. Mixed liquefied petroleum gases (LPG) products (E–P mix, B–P mix, and unfractionated stream) would no longer be reported as individual commodities. Respondents would include the components of mixes with the appropriate products (i.e. BP mix would no longer be reported; the propane in BP mix would be included with propane entries elsewhere on the reporting forms).

b. Natural gasoline, isopentane, and plant condensate would be combined into a single reporting category.

c. Still gas categories for petrochemical and other use would be combined.

d. Petrochemical use and other use categories for liquefied refinery gases (LRG) would be combined.

2. Forms EIA–811 (Monthly Bulk Terminal Report) and EIA–812 (Monthly Product Pipeline Report)—

a. Mixed LPG products (E–P mix, B–P mix, and unfractionated stream) would no longer be reported as individual commodities. Respondents would report the component products separately.

b. Natural gasoline, isopentane, and plant condensate would be combined into a single reporting category.

3. Form EIA–816 (Monthly Natural Gas Liquids Report)—

a. Mixed and intermediate products E–P mix, B–P mix, and unfractionated stream) would no longer be reported as individual commodities. Respondents would report the component products separately.

b. Natural gasoline, isopentane and plant condensate would be combined into a single reporting category.

c. Report items for finished petroleum products would be eliminated. Facilities which produce finished petroleum products would be required to file Form EIA–810 (Monthly Refinery Report) instead of Form EIA–816 (Monthly Natural Gas Liquids Report).

d. An "inputs" column would no longer be included on the form. A facility would only report production of liquids derived from natural gas streams. Liquids received from other facilities would be reflected in receipts, shipments and inventory entries, but not production entries.

4. Form EIA–174 (Sales of Liquefied Petroleum Gases—

a. Butane-propane mix would no longer be reported as a commodity. Respondents would report the butane and propane in B–P mix with the entries for butane and propane.

5. Form EIA–820 (Annual Refinery Report)—

a. Instructions on storage capacity would be revised to be consistent with the proposed changes to the monthly reporting of mixes and unfractionated streams.

II. Comments and Public Hearing Procedures

A. Written Comments

EIA invites the public to comment on these proposed changes and provides the following guidelines to assist in preparation of responses.

If you are a possible data provider:

(1) How many hours, including time for research, computation, preparation and administrative review, will it take your firm to change from current reporting procedures to the proposed procedures during the first year of reporting?

(2) How many hours will your firm save in subsequent years of reporting?

(3) Estimate the initial cost of modifying the forms, including direct and indirect cost associated with the data collection. Direct costs should include all one-time and recurring costs, such as development, assembly, equipment, ADP and other administrative costs.

(4) Estimate the cost savings in subsequent years of reporting.

(5) Do you agree with each of the proposed changes? Are there additional changes that you would recommend?

If you are a data user:

(1) Do you need data at the levels of aggregation that would be available using the modified (new) forms; that is: do the products, frequency, market categories and geography reflect your needs?

(2) Do you need any of the elements of information that would be eliminated by this proposal? For what purposes would you use these data?

(3) How could the form be improved to better meet your specific data needs?

Comments will be summarized and provided in EIA's submission to the Office of Management and Budget and will become a matter of public record.

B. Public Hearings

1. *Procedures for Requests to Make Oral Presentation.* The time and place for the hearing are indicated in the "Dates" and "Addresses" sections above.

The EIA invites any interested person wishing to provide oral testimony on these forms to request to speak at the hearing no later than 4:30 p.m. Monday, May 23, 1983 and to provide a copy of the presentation to the EIA by 4:30 p.m. Tuesday May 31, 1983. Such a presentation should include the interest concerned, if appropriate, a statement indicating why the individual is a proper representative of a class of persons that has such an interest, and a telephone number where this individual may be contacted during the day. The EIA will notify each person selected to speak at the hearing by Wednesday June 1, 1983. Persons selected should bring 25 copies of their written presentations to the hearing.

2. *Conduct of the Hearing.* The EIA will schedule the presentations and establish the procedures governing the conduct of the hearing. Any person desiring to present oral testimony will be allowed to do so, time permitting. Although time constraints may limit the number of persons who will be allowed to speak, the EIA will consider all comments submitted. Likewise, the

length of each presentation may be limited based on the number of persons requesting to be heard. An EIA official will preside at the hearing. This will not be a judicial or evidentiary-type hearing. Questions immediately following a presentation may be asked only at the discretion of those conducting the hearing, and there will be no cross-examination of persons presenting statements.

Any other procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer. A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained in the EIA and made available for inspection at the DOE Freedom of Information Office, Room 1E-190, 1000 Independence Avenue, S.W., Washington, D.C., 20585, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C. on May 5, 1983.

J. Erich Evered,

Administrator, Energy Information Administration.

[FR Doc. 83-12541 Filed 5-9-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. OR83-2-000]

Coastal States Marketing, Inc., et al.; Petition for Issuance of an Order Directing Compliance With the Interstate Commerce Act

May 3, 1983.

Take notice that on April 25, 1983, Coastal States Marketing, Inc. (CSMI) and Coastal States Trading, Inc. (CSTI) filed a petition requesting the Commission to issue an order directing Texas-New Mexico Pipeline Co. and the Texas Pipeline Company (T-NMPLCo.) to continue the pre-existing practices in connection with the receipt and further transportation on a commingled basis of West Coast Sweet (WCSW) crude oil from the Four Corners Pipeline Company until appropriate tariff filings have been made and approved. CSMI and CSTI contend that T-NMPLCo. cannot change their historic practices or tariffs without filing an amended tariff on 30 days statutory notice in accordance with the provisions of the Interstate Commerce Act (ICA) Section 6(3) and 49 CFR 1300.14(a). Therefore, CSMI and CSTI further request that the Commission issue an order directing T-NMPLCo. to file any proposed changes in practices, services or tariffs in accordance with the provisions of ICA, Section 6(3) and 49 CFR 1300.14(a).

CSMI and CSTI (petitioners) state that T-NMPLCo. has changed an existing practice without properly proposing and noticing a change in its tariff. CSMI and CSTI state that the pipeline has established a sulphur content level by weight in order to commingle WCSW crude oil into the fungible stream. the petitioners state that they cannot meet the new standard, and therefore the WCSW is being "batched". The petitioners state that the result is that they are precluded from reaching their traditional markets.

A copy of the filing has been served on T-NMPLCo.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 13, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-12435 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-45-000 (PGA 83-2)]

Inter-City Minnesota Pipelines Ltd., Inc.; PGA Filing and Request for Waiver of Regulations

May 4, 1983.

Take notice that on April 22, 1983, Inter-City Minnesota Pipelines Ltd., Inc. (Minnesota Pipelines) tendered for filing Eighteenth Revised sheet No. 4 to Original Volume No. 1 of Minnesota Pipelines' FERC Gas Tariff. Minnesota Pipelines has requested that the sheet be suspended only for such time as is necessary to allow an effective date of May 1, 1983 for the rates set out therein.

Minnesota Pipelines represents that Eighteenth Revised Sheet No. 4 will effect the recent 54¢/MMBtu reduction in Canadian border prices applicable to gas purchased by Minnesota Pipelines for sale in its Western Zone. No change was made by the national Energy Board of Canada to the price of gas imported for sale in Minnesota Pipelines' Eastern Zone.

Minnesota Pipelines requests that the Commission waive § 154.38(d)(4)(iv)(a) of its regulations that prescribes that Minnesota Pipelines shall make only a single PGA filing effective and Minnesota Pipelines' tariff be waived to allow an effective date of May 1 for the proposed rates.

Any person desiring to be heard or to make any protest with reference to said PGA filing and request for waiver should on or before May 9, 1983 file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-12436 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-5-000 (PGA83-2)]

Midwestern Gas Transmission Co.; Rate Filing

May 4, 1983.

Take notice that on April 21, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing Seventh Revised Sheet No. 6 to Original Volume No. 1 and Eighth Revised Sheet No. 37 to Original Volume No. 2 of its FERC Gas Tariff to be effective April 11, 1983.

Midwestern states that the sole purpose of the revised tariff sheets is to simultaneously reduce its Northern System rates to reflect the rate charged to Midwestern by its Canadian supplier, TransCanada PipeLines Ltd., from $4.94 per MMBtu to $4.40 per MMBtu. Midwestern requests waiver to make its filing effective as proposed and states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure. All such petitions or protests should be filed on or before May 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-12437 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-196-002]

Missouri Edison Co.; Order Denying Rehearing

May 4, 1983.

On April 4, 1983, the City of Clarksville, Missouri (Clarksville) requested rehearing of an order issued on March 4, 1983, in which the Commission denied a prior request for rehearing of an order issued on December 30, 1982. The original order in this proceeding accepted for filing rates for service to Clarksville by Missouri Edison Company (Edison) and permitted the rates to become effective as of December 31, 1982, subject to the outcome of proceedings pending in Docket Nos. ER81-450-000 and ER81-461-000.

Clarksville noted in its first request for rehearing that, in addition to eliminating an 80% demand ratchet consistent with a settlement agreement in Docket No. ER81-461-000, Edison's filing increased its prior demand charge to $7.51 per month per kW. Clarksville argued that this increase in the demand charge could have no relationship to the removal of the demand ratchet because Edison had agreed in the earlier settlement agreement to eliminate the ratchet retroactive to July, 1981, without reserving the right to redesign the rate by increasing the demand charge to offset elimination of the ratchet. The Commission stated in its March 4 order that Clarksville's characterization of the settlement was incorrect. We noted that the settlement agreement provided for elimination of the demand ratchet, but contained no restriction on the level of the unit demand charge except that such charge when applied to the billing determinants excluding the ratchet would be equal to the Staff's cost of service rather than the revenue level originally proposed by Edison. We further noted that any other reading of the settlement would prove illogical since the resulting revenues would not be "in accordance with Staff's cost of service" as the agreement provided.[1]

In its April 4, 1983 pleading, Clarksville contends that the Commission's interpretation of the settlement agreement was in error because it would render meaningless the retroactive elimination of the ratchet as of July 9, 1981. Clarksville maintains that allowing the demand charge to increase nullifies any gain achieved by the retroactive elimination of the demand ratchet. Clarksville requests that the Commission reject the filing insofar as it proposes to increase the demand charge for the prior period and to initiate proceedings to determine the justness and reasonableness of a prospective application of Edison's demand charge increase. Alternatively, Clarksville asks that we remand the case to determine the parties' intent with respect to the settlement agreement.

Discussion

Upon consideration of Clarksville's request for rehearing, we conclude that the March 4 order was correct. We shall therefore deny rehearing.

Clarksville argues that if it is subjected to the increased demand charge in order that Edison may recover the same level of revenue there is no gain or loss associated with a retroactive elimination of the ratchet (Reh. App. at 4-5). The premise underlying Clarksville's contention is that the purpose of eliminating the demand ratchet retroactively was to reduce the demand charge and that the Agreement should not be construed in a manner which will defeat the purpose of this provision. However, this premise is inconsistent with the clear language of the settlement. As noted in the March 4 order, while the settlement agreement provided for elimination of the ratchet, the sole restriction on the level of the unit demand charge was that such charge would produce revenues equal to Staff's cost of service rather than the higher revenue level originally proposed by Edison. In this sense, we view the settlement agreement as a dollar settlement with all provisions being applied as of the date that the rates originally took effect. However, Edison would not be able to recover the level of revenues specified in the settlement agreement if the company could not revise the unit charge upward once the demand ratchet was eliminated. We shall therefore deny rehearing.

We shall also deny Clarksville's request to initiate proceedings to determine the justness and reasonableness of a prospective application of the revised demand charge inasmuch as it was agreed in the parties' settlement that the wholesale rate to Clarksville, which necessarily includes the demand charge component of the rate, would be in accordance with Staff's cost of service. Had the agreed upon rate been subject to further reduction as a result of elimination of the demand ratchet, then the parties could not have been agreeing to Staff's cost of service but to a lower revenue level. Because we find that the settlement provisions providing for settlement at the Staff's recommended revenue level are clear and unambiguous, there is no need for a hearing to determine the intent of the parties.

The Commission orders:

(A) Clarksville's request for rehearing is hereby denied.

(B) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-12438 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-59-000]

Northern Natural Gas Co.; Purchased Gas Cost Adjustment Rate Change

May 4, 1983.

Take notice that on April 21, 1983, Northern Natural Gas Company (Northern) tendered for filing, as part of Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets:

Third Revised Volume No. 1:

Twentieth Revised Sheet No. 4b

Original Volume No. 2:

Thirtieth Revised Sheet No. 1c

These tariff sheets reflect reduced rates resulting from the decrease in purchased gas costs Northern will experience as a result of the decrease in the Canadian Border export price from $4.94 per Mmbtu to $4.40 per Mmbtu effective April 11, 1983. Northern states that these tariff sheets reflect a decrease in the Commodity Component of its Market

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[1] The settlement agreement states:

"(3) At the conclusion of Docket No. ER81-450-000 when permanent rates are known and refunds, if any, are ordered by the Commission to be paid by Union Electric Company to Missouri Edison Company, MEC will adjust the wholesale rate to Clarksville retroactive to July 9, 1981, the date the increased rates in Docket No. ER81-461-000 went into effect subject to refund, determining such permanent rate and refund, if any, without a demand ratchet and in accordance with Staff's cost of service and the permanent rates allowed in Docket No. ER81-450-000."

Area sales rates of 4.49¢ per Mcf at 1000 Btu per cubic foot and a decrease of 4.53¢ per Mcf in its field area sales rate.

Northern requests any waiver of the Commission's regulations to the extent, if any, required to effectuate the tariff sheets on April 27, 1983.

The Company states that copies of the filing have been mailed to each of the Gas Utility customers, interested State Commissions, and all parties to Docket Nos. RP82-71 and TA83-1-59.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-12439 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-75-000]

Northwest Central Pipeline Corp.; Proposed Changes in FERC Gas Tariff

May 4, 1983.

Take notice that on April 22, 1983 Northwest Central Pipeline Corporation (Northwest Central) tendered for filing Second Revised Sheet No. 6 and Original Sheet Nos. 96 through 99 to Original Volume No. 1 and First Revised Sheet No. 91 and First Revised Sheet No. 219 to Original Volume No. 2 of its FERC Gas Tariff to be effective on May 23, 1983.

Northwest Central states that the filing proposes an increase above its presently effective rates which reflects an increase in revenues of $19,030,347 inclusive of transportation services, based on the test period (the twelve months ended February 28, 1983, adjusted for known changes through November 30, 1983). Northwest Central states that the increased rates are required to reflect an overall rate of return of 14.63 percent; increases in wages and benefits; increases in administrative expenses; increases in prepayments for gas; increases in plant and related cost of service items; and reduced sales volumes.

Northwest Central's filing also proposes for inclusion in the General Terms and Conditions of Original Volume No. 1 of its FERC Gas Tariff a new Article 25 containing a prepayments rate adjustment provision.

Northwest Central states that this filing was served on each of its customers and affected states commissions pursuant to § 154.16(b) of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-12440 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TA83-2-35-000 and RP83-76-000]

Peoples Natural Gas Company, Division of InterNorth, Inc.; Rate Change and Proposal To Change Purchased Gas Cost Adjustment Provision

May 4, 1983.

Take notice that on April 25, 1983, Peoples Natural Gas Company, Division of InterNorth, Inc., (Peoples) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 4 the following tariff sheets:

Thirtieth Revised Sheet No. 3a
Second Revised Sheet No. 21a
Second Revised Sheet No. 21b

Thirtieth Revised Sheet No. 3a is being filed to reflect reductions in rates received from the Colorado Interstate Gas Company. Peoples proposes to make these reductions effective to its Volume No. 4 customers on June 1, 1983.

Peoples is also proposing in this filing to change its Volume No. 4 PGA Procedures to reflect that the market area served under Volume No. 4 is potentially supplied from multiple sources rather than "a sole source of supply" as specified in the currently effective tariff.

Copies of the filing were served upon the Gas Utility Customers and interested State Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before May 9, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-12442 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-M

Oil Pipeline; Tentative Valuation

May 9, 1983.

The Federal Energy Regulatory Commission by order issued February 10, 1978, established an Oil Pipeline Board and delegated to the Board its functions with respect to the issuance of valuation reports pursuant to Section 19a of the Interstate Commerce Act.

Notice is hereby given that a tentative annual valuation is under consideration for the common carrier by pipeline listed below:

1981 Annual Report

Valuation Docket No. PV-1466-000
Tomahawk Pipe Line Company, P.O. Box 378, Tulsa, Oklahoma 74101

On or before June 16, 1983, persons other than those specifically designated in Section 19a(h) of the Interstate Commerce Act having an interest in this valuation may file, pursuant to rule 214 of the Federal Energy Regulatory Commission's "Rules of Practice and Procedure" (18 CFR 385.214), an original and three copies of a petition for leave to intervene in this proceeding.

If the petition for leave to intervene is granted the party may thus come within the category of "additional parties as the FERC may prescribe" under Section 19a(h) of the Act, thereby enabling it to file a protest. The petition to intervene must be served on the individual company at its address shown above and an approporiate certificate of

service must be attached to the petition. Persons specifically designated in Section 19a(h) of the Act need not file a petition; they are entitled to file a protest as a matter of right under the statute.

Francis J. Connor,

Administrative Officer, Oil Pipeline Board.

[FR Doc. 83-12467 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[WH-FRL 2361-1]

Availability of Report; *Monitoring Results and Environmental Impact on the Gulf of Mexico Incineration Site from the Incineration of PCB's under Research Permit HQ 81-002;* April 1983.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and Summary Report.

SUMMARY: EPA is today announcing the availability of a report entitled: *Monitoring Results and Environmental Imapct on the Gulf of Mexico Incineration Site from the Incineration of PCB's under Research Permit HQ 81-002. April 1983.*

FOR FURTHER INFORMATION CONTACT: Alan B. Rubin (WH-585), U.S. EPA, Criteria and Standards Division, 401 M Street, SW, Washington, DC 20460 (202) 245-3030.

SUPPLEMENTARY INFORMATION:

Background

Two trial burns of PCB-laden wastes were conducted in 1981-1982 onboard the incinerator vessel VULCANUS I at the designated Ocean Incineration Site in the Gulf of Mexico under research permit HQ 81-002 issued by EPA under Section 102 of the Marine Protection, Research, and Sanctuaries Act. The purpose of these trial burns was to determine the incinerability of PCB's on this vessel by calculating the material's destruction efficiency (DE) and observing incinerator operating conditions. A public meeting and a public hearing were conducted in Brownsville, Texas, on May 20, 1982 and August 31, 1982, respectively, to discuss preliminary results from the two burns and receive comment.

EPA is today announcing the availability of the final technical report on these two trial burns. The report consisting of six studies and conclusions, presents results on incinerator stack gas and environmental monitoring conducted for both burns. A summary of this report follows (attachment). The full report is available for inspection at several locations identified at the end of the report summary.

Dated: May 3, 1983.

Frederic A. Eidsness, Jr.,

Assistant Administrator.

Summary of Report Entitled: Monitoring Results and Environmental Impact on the Gulf of Mexico Incineration Site from the Incineration of PCB's under Research Permit HQ 81-002

April 1983

Abstract

From December 22, 1981 to January 2, 1982, 698,500 U.S. gallons of PCB-laden wastes were incinerated aboard the VULCANUS I. Monitoring data showed that overall waste combustion efficiency (CE) exceeded the permit requirement of 99.9%. The destruction efficiency (DE) of PCB's calculated from data obtained from the one valid sample of stack emissions was greater than the permit requirement of 99.9%. However, problems with the incinerator stack gas sampling equipment prevented the securing for analysis of more than one valid stack gas sample. Consequently, a second research burn was authorized in order to gather additional information of DE for PCB-laden wastes incinerated on the VULCANUS.

From August 15-31, 1982, an additional 800,000 gallons of liquid PCB-laden wastes were incinerated on the VULCANUS I. CE averaged 99.99%. The calculated DE for PCB's exceeded 99.99%. Environmental monitoring in the vicinity of the VULCANUS I showed no impact.

Based upon the monitoring results and incinerator performance data, EPA concludes that the operating and performance parameters under EPA research permit HQ 81-002 were met.

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Appendix I—*Monitoring of Combustion Efficiency, Destruction Efficiency and Safety during the Test Incineration of PCB Waste, Carried out in the Gulf of Mexico under EPA Permit HQ 81-002—"Research", from December 22, 1981 to January 2, 1982 on the Incineration Vessel VULCANUS. Part I: Combustion and Destruction.*. Report Written by H. Compaan. TNO Delft, Netherlands. 1982.

Appendix II—*A Summary of Events, Communications, and Technical Data Related to the At-Sea Incineration of PCB—Containing Wastes Onboard the M/T VULCANUS, December 20, 1981 to January 4, 1982.* Report Written by J. F. Metzger and D. G. Ackerman. TRW Inc., Energy and Environmental Division. Redondo Beach, California 90278. March, 1983.

Appendix III—*Audit of the VULCANUS Incineration Ship Prior to the August 1982 PCB Burn, Mobile, Alabama.* Report Written by F. W. Sexton and D. E. Lentzen. Environmental Quality Assurance Department, Systems, and Measurements Division, Research Triangle Institute, Research Triangle Park, North Carolina 27709. October, 1982.

Appendix IV—*At-Sea Incineration of PCB Containing Wastes Onboard the M/T VULCANUS* (August 15-31, 1982). Report Written by D. G. Ackerman, J. F. McGaughey, and D. E. Wagoner. TRW, Inc., Energy and Environmental Division. Redondo Beach, California 90278. February, 1983.

Appendix V—*Biological Monitoring of PCB Incineration at the Designated Site in the Gulf of Mexico.* Report Written by TerEco Corporation, College Station, Texas 77841. October, 1982.

Appendix VI—*Ambient Air Monitoring of the August 1982 M/T VULCANUS PCB Incineration at the Gulf of Mexico Designated Site.* Report Written by Michael A. Guttman, Norman W. Flynn, and Robert F. Shokes. JRB Associates. La Jolla, California 92038. January, 1983.

Executive Summary

Pursuant to reasarch permit HQ 81-002, issued under the Marine Protection, Research, and Sanctuaries Act by EPA to Chemical Waste Mangement and Ocean Combustion Service (the Permittees), the incinerator vessel VULCANUS I incinerated 698,500 U.S. gallons of liquid PCB wastes from December 22, 1981 to January 2, 1982, at the Gulf of Mexico incineration site. A second burn of an additional 800,000 U.S. gallons of these wastes occurred at the site from August 15 to August 31, 1982.

The first burn was monitored by TNO, Dutch scientific consulting organization hired by the Permittees, and these monitoring activities were observed by EPA personnel serving as shipriders. In addition, an EPA contractor, TRW, evaluated TNO's overall monitoring activities and verified their incinerator parameter measurements and their calculation of incinerator performance (CE and DE). Monitoring results showed that overall waste combustion efficiency (CE) varied between 99.916% and 99.999% (permit requirement for CE was equal to or greater than 99.9%). The wall temperatures of both incinerators varied between 1270 and 1320° C (flame temperature 1470 to 1520° C). The permit requirement for minimum wall termperature was 1200° C. A destruction eficiency (DE) for Report PCB's of greater than 99.92% was tentatively determined. TRW verified this result by

analysis of a split stack gas sample. However, problems with the incinerator stack gas sampling apparatus prevented TNO from obtaining more than one valid sample to conclusively determine a scientifically supportable DE for PCB's. Monitoring data and results for the other major incinerator operational and performance parameters (temperature, carbon monoxide, excess oxygen, CE, residence time) demonstrated that the other permit requirements were met or exceeded. Permit requirements for excess oxygen in the stack gas and residence time of the waste in the incinerator were 3% minimum and 1 second or longer, respectively.

On May 20, 1982, a public meeting was held in Brownsville, Texas, to discuss these preliminary results. Several comments received at this meeting indicated that the preliminary information obtained from this burn was not sufficient and/or of a quality to demonstrate adequate incinerability of PCB's aboard the vessel. In addition, both TNO and EPA shiprider reported several minor operating difficulties during this burn. Therefore, it was decided to authorize a second burn under the permit in order to gather additional information for PCB DE calculation.

From August 15–31, 1982, an additional 800,000 gallons of liquid PCB wastes were incinerated on the vessel at the Gulf site. EPA had total control over the emissions and environmental monitoring of this burn. EPA designed, installed, and supervised the operation of the sampling train used in the determination of DE's for PCB's, chlorinated benzenes, and tetrachlorodibenzofuran isomers. In addition, EPA utilized the ocean survey vessel ANTELOPE to conduct environmental monitoring in the vicinity of the VULCANUS. The State of Texas conducted onshore monitoring for possible remnants of the incineration plume.

The various measures of incinerator performance again met or exceeded requirements of the permit. Incinerator wall temperatures averaged 1303°C (permit requirement 1200°C minimum). Excess oxygen in the incinerator stack gas averaged 10.1% (permit requirement 3% minimum). CE avereged 99.99% (permit requirement 99.9% minimum).

The Agency monitored for PCB's, chlorobenzenes, TCDF's and TCDD's in the incinerator stack gas and in the raw wastes. PCB content in the raw wastes ranged from 13.2% to 25.3% with a mean of 19.3%. Chlorobenzene content was approximately 8%. TCDF content in the waste ranged from 25 to 80 ppb. One sample of raw waste contained 0.83 ppb TCDD. None of the first two compounds were found in stack gas concentrations above detecable limits of the analytical method. On that basis, DEs for these first two compounds were calculated to be greater than 99.9906% and greater than 99.996%, respectively (permit requirement for PCB DE was 99.9% minimum). TCDF's were found in some but not all of the stack gases. TCDF DE was calculated to be greater than 99.93%..

Trace amounts of 2,3,7,8–TCDD (dioxin) were found in one of the incinerator stack gas samples. The maximum concentration of dioxin emitted was approximately 2.6% of the concentration found acceptable for emissions from land-based municipal waste resource recovery incinerators.

Environmental monitoring in the vicinity of the VULCANUS showed no impact. No effect on water chemistry or on biota exposed to the plume in the vicinity of the vessel was detected. An increase in ambient water background concentrations of organochlorines was not detected. Organochlorines in the ambient air in the immediate vicinity of the vessel were not detected.

In summary, the monitoring results obtained from the two burns of PCB wastes executed under research permit HQ 81–002 demonstrated that VULCANUS I incinerator operational and performance requirements were met or exceeded. Finally, there were no apparent environmental impacts from incineration of PCB's under these operating and performance conditions.

Summaries of Studies and Conclusions

The following section summarizes the six appendices of the report.

Appendix I—*Monitoring of Combustion Efficiency, Destruction Efficiency and Safety During the Test Incineration of PCB Waste, Carried out in the Gulf of Mexico under EPA Permit HQ 81–002—"Research", from December 22, 1981 to January 2, 1982 on the Incineration Vessel VULCANUS. Part I: Combustion and Destruction.* Report Written by H. Compaan. TNO Delft, Netherlands. 1982

From December 22, 1981 to January 2, 1982, approximately 3300 metric tons (698,500 U.S. gallons) of chemical wastes, containing PCB's were incinerated on the M/T VULCANUS I at the Gulf of Mexico incineration site.

The PCB content of the waste as specified by Chemical Waste Management, Inc., varied between 5.6 and 26.3% (w/w) per tank; the chlorine content as measured by TNO varied between 29 and 66% (w/w) per tank. Other important components of the waste were: hexachlorobutadiene, trichlorobenzene, hexachlorobenzene, hexachloroethane and fuel oil.

The incineration was carried out smoothly and there were no major problems. Minor problems encountered were vibrations of the incinerators, probably caused by the high energy content of part of the waste, and the repeated activation of the automatic shut-off valves by the ultra high frequency radio transmitter signals.

The wall temperatures of both incinerators varied between 1270 and 1320° C, which means that the flame temperatures varied from about 1470 to 1520° C. The calculated average residence times varied from 0.91 to 1.46 seconds. The combustion efficiency was monitored continuously by feeding the signals from the CO and CO_2 monitors into a microcomputer and calculating and printing the results. The combustion efficiency was never lower than 99.916% and normally varied between 99.940% and 99.999%. The stack gas monitors were calibrated three of four times a day.

In order to determine destruction efficiencies of selected waste components, three stack sampling boxes, each containing 8 sampling trains were installed on the catwalk near the top of the ovens. The stack samples were taken through one quartz tube, mounted in a water cooled stainless steel jacket, for each set of 8 sampling trains. Two of these sets could be used, the third one was lost, probably due to plugging of the quartz sampling probe by solid material coming from the brick lining of the incinerators. This may have been caused by incinerator vibrations mentioned above. The recovery factors for the sampling trains were determined in two separate experiments and varied between about 60 and 10% for different substances. The destruction efficiencies for hexachlorobutadiene, different chlorobenzenes and a number of PCB isomers were greater than 99.92% for the one valid stack gas sample obtained.

A number of stack samples were taken through the long heat traced PTFE lines, carrying the stack gases to the stack gas monitors. However, a recovery experiment showed that such a sampling line causes losses of the less volatile PCB components. Traces of PCB's were found in the samples taken through the PTFE line, but these results have not been used for the calculation of destruction efficiencies. Small amount of TCDF were found in the quartz sampling probes and in the condensate flasks.

Appendix II—*A Summary of Events, Communications, and Technical*

Data Related to the At-Sea Incineration of PCB—Containing Wastes Onboard the M/T VULCANUS, December 20, 1981 to January 4, 1982. Report Written by J. F. Metzger and D. G. Ackerman, TRW Inc., Energy and Environmental Division. Redondo Beach, California 90278. March, 1983.

This section was prepared by an EPA contractor and EPA representative who served as shipriders on VULCANUS for the first incineration cruise. It confirms TNO's findings of CE, DE, and other incinerator operational parameters. However, it reports a number of minor problems encountered during the voyage. While these problems did not affect overall ship operations, they did contribute to problems in obtaining sufficient valid measurements to allow EPA to conclude that the DE of PCB wastes was adequate.

- Routing radio transmissions interfered with operation of the camera in the "black box", and portions of the film were not properly exposed.
- The same transmissions interfered with the control electronics of ther waste feed system causing an automatic switch from waste to gasoil feed, thereby also increasing consumption of gasoil. The length of the voyage was increased.
- The fixed-position probe in the port incinerator which supplied gas to the on-line monitoring instrumentation system became plugged. The combustion gas monitors were switched to TNO's probe, but it too became plugged. Thereafter, no combustion gas measurements were possible for the port incinerator. The corresponding probe in the starboard incinerator remained functional
- Continuous and severe vibration occurred during burning of waste material having a heating value in excess of 12,000 Btu/lb. The waste injection systems did not have sufficient turndown, and all other attempts to eliminate the vibration were similary not effective.
- Sampling problems were evidenced by the loss of impinger solution. No fully adequate explanation could be advanced, but the losses for Test 3 were particularly severe and were believed to have been caused by back pressure surges occurring when the probe became plugged. Additionally, the condensate from Test 3 was colorless rather than the green expected. The pressure surges were possibly responsible for this as well, expelling liquid from the downstream impingers into the condensate trap. Test 3 was therefore judged totally invalid.
- Also during the test periods, TNO's CO analyzer was rendered inoperable by the vibration. The calibration electronics of the ship's standard CO analyzer were likewise damaged, but otherwise this instrument seemed to remain functional. It was believed that all subsequent CO readings were high by a value of 9 to 10 ppm. Erroneously high readings such as these lead to calculated combustion efficiency values that are erroneously low.

Appendix III—*Audit of the VULCANUS Incineration Ship Pior to the August 1982 PCB Burn, Mobile, Alabama.* Report Written by F.W. Sexton and D.E. Lentzen. Environmental Quality Assurance Department, Systems and Measurements Division, Research Triangle Institute, Research Triangle Park, North Carolina 27709. October, 1982.

This section describes the procedures by EPA to calibrate instruments on the VULCANUS I used to calculate overall PCB waste C.E. for the second incineration voyage permitted under research permit HQ 81-002.

Appendix IV—*At-Sea Incineration of PCB Containing Wastes Onboard the M/T VULCANUS* (August 15–31, 1982). Report Written by D.G. Ackerman, J.F. McGaughey, and D.E. Wagoner. TRW, Inc., Energy and Environmental Division. Redondo Beach, California 90278. February, 1983.

This report describes the testing that was performed during the incineration at sea of 3,523 metric tons of wastes (800,000 U.S. gallons) containing PCB's onboard the incineration ship M/T VULCANUS from August 15–31, 1982 (2nd burn authorized under research permit HQ 81-002).

EPA contracted the Energy and Environmental Division of TRW, Inc., Redondo Beach, CA, to sample and monitor the incineration process and analyze the samples in order to determine compliance with the operating and safety requirements of the permit. A representative from EPA, (the Task Officer) was onboard during the testing, and a technician-employee of EPA assisted the TRW Test Team.

A standard EPA-specified sampling train was used to acquire samples of the effluent combustion gases. A fixed-position, water-cooled probe was mounted in the starboard incinerator and directed stack gas to the train. A total of 10 stack gas monitoring tests were performed. Samples of the waste were also taken during each test. Samples thus acquired were analyzed on land for PCB's by TRW, and other possible compounds of concern in either the waste or the stack gas, tetrachlorodibenzofurans (TCDF's) and tetrachlorodibenzo-p-dioxins (TCDD's), were analyzed by the University of Nebraska Chemistry Department and EPA's Environmental Monitoring Systems Laboratory, Research Triangle Park, North Carolina.

Other test-relate activities included wipe-sampling and onboard analysis of these samples to determine compliance with the health and safety plan, acquisition of samples of work space air in the incineration control room and the dining room, and acqusition of pertinent process-related data (e.g., temperatures in the incinerators and concentrations of carbon dioxide (CO_2), oxygen (O_2), and carbon monoxide (CO) in the combustion gas).

The various measures of incinerator performance met or exceeded requirements of the permit. Incinerator wall temperatures averaged 1303° C, oxygen 10.1%, carbon dioxide 9.1%, carbon monoxide 8 ppm, and combustion efficiency 99.99%.

The Agency monitored for PCB's, chlorobenzenes, TCDF's and TCDD's in the incinerator stack gas to determine DE's of these compounds (permit requirement for PCB DE was 99.9% minimum). None of the first two compounds were present in stack gas concentrations above detectable limits of the analytical method. On that basis, DE's for these first two compounds were calculated to be greater than 99.9906% and greater than 99.996%, respectively. TCDF's were found in some but not all of the stack gases. TCDF DE was calculated to be greater than 99.93%.

Minute amounts of TCDD were found in one waste and one stack gas sample. Since the two samples did not come from the same test, no DE conclusions could be derived. The amount of TCDD found in the waste (0.83 ppb) was well below levels of TCDD found in Agent Orange incinerated during earlier burns (2.0 ppm). The amount of TCDD found in the one stack gas sample corresponded to an emission concentration of 0.09 ng/m³ whereas EPA's—*Interim Evaluation of Health Risks Associated with Emissions of Tetrachlorinated Dioxins from Municipal Waste Resource Recovery Facilities—November 1982,* allows TCDD emission up to 3.5 ng/m³.

Appendix V—*Biological Monitoring of PCB Incineration at the Designated Site in the Gulf of Mexico.* Report Written by TerEco Corporation, College Station, Texas 77841. October, 1982.

This section details environmental monitoring for changes in water

chemistry and toxicity effects on marine organisms as a result of incineration plume exposure.

During July 1982, TerEco personnel conducted a 4-day baseline or preburn cruise to the Gulf Ocean Incineration Site to check upon environmental conditions at the site to the incineration of PCB wastes and to launch two pelagic biotal ocean monitors (P–BOM's). In August they participated in a 5-day monitoring cruise during which time they launched five P–BOM's, three of which were impacted by the fallout plume of M/T VULCANUS, and two of which served as controls. Three species of marine organisms were exposed in each BOM and were processed for laboratory analyses while still aboard the OSV ANTELOPE.

Laboratory analyses involved determinations of concentrations of PCB's in the surface waters, in collectors placed on each P–BOM, in neuston, and in the tissues of *Menidia beryllina* and *Fundulus grandis* (both finfish). No increase in ambient water background levels of organochlorines was detected from the incineration. Results show that *Fundulus* and *Menidia* did not accumulate additional PCB's above their background levels. The core of the monitoring effort centered in determining the adenylate energy charge (AEC) of test (exposed to fallout plume) and control individuals of the above species and the grass shrimp *Palaemonetes pugio*. Although the results of AEC calculations revealed that all three species suffered some stress during their stay on the ship and their exposure in the P–BOM's, it was concluded that plume contact from the incineration of PCB wastes could not have caused this physiological reaction. More likely as a cause is the long delay in deciding upon ship departure and the related long period that test organisms had to stay in crowded conditions. Metabolic enzyme analyses carried out on *Fundulus* tissues compare favorably with results obtained by TerEco in other environmental studies. No evidence was generated that related any metabolic change in test animals directly to the incineration process.

Appendix VI—*Ambient Air Monitoring of the August 1962, M/T VULCANUS PCB Incineration at the Gulf of Mexico Designated Site.* Report Written by Michael A. Guttman, Norman W. Fynn, and Robert F. Shokes. JRB Associates. La Jolla, California 92038. January, 1983.

This section reports on ambient air monitoring in the immediate vicinity (0.5–15 miles) of the incinerator vessel conducted onboard EPA's ocean research vessel, the ANTELOPE. Plume contract was demonstrated by HCl readings significantly higher than background levels. Organochlorines were not detected for the incineration of PCB wastes.

During July and August, 1982, scientists from the U.S. Environmental Protection Agency and JRB Associates conducted preburn baseline and incineration monitoring surveys at the Gulf of Mexico designated incineration site. Data on ambient air background concentrations of HCl and organochlorines were obtained on the baseline cruise. The August 1982 incineration was a controlled PCB waste burn conducted by the M/T VULCANUS. Using the government's survey vessel, OSV ANTELOPE, as a sampling platform to track the incineration plume and collect ambient air samples for polychlorinated biphenyl (PCB) measurement, the primary objective was to determine if any detectable amounts of fugitive PCB's or organochlorine residues from the incineration process could be found in the atmosphere. Using a dispersion model (Turner, 1970) to predict plume location and guide the sampling, a secondary objective was to check the model's validity using hydrogen chloride (HCl) from the incineration process as a tracer.

Results from the baseline survey indicate only very trace amounts of airborne organic materials, and no organochlorines. By comparison during the incineration monitoring, significantly higher amounts of airbrne organics were measured, but again no PCB's or other organochlorines were detected. Presumably, the elevated airborne organics were generated by combustion on the VULCANUS, either from the waste incineration or from the vessel's propulsion engines. Real-time HCl monitoring assured that the incineration emission plume generated by the VULCANUS was being sampled. Although there were discrepancies between measured airborne HCl levels and distributions predicted by the model, agreement between the two was relatively good considering the uncertainties involved in modeling atmospheric stabiltiy.

Supplemental Reports

Presently, two supplemental reports are still in preparation. They will be made available for public inspection within the next thirty days at the locations identified below.

The first supplemental report is being prepared by the State of Texas. This report will furnish monitoring data for incineration plume remnants at several shore locations. Preliminary results indicate no detectable increase in ambient air organochlorine or HCl concentrations. These results are expected since ambient air monitoring in the immediate vicinity of the VULCANUS yielded no detectable concentrations of organochlorines and only ppm concentrations of HCl.

The second supplemental report is being prepared by EPA and will present descriptive worst case scenarios for spillage of a full shipload of PCB wastes over commercially and recreationally important Gulf Coast fishing and shrimping grounds as well as spillage at the Gulf of Mexico incineration site. Probabilities of such occurrences will also be stated. This report will also describe a worst case meteorological scenario for plume remnant transport to landfall, indicating PCB concentrations reching land. These concentrations will be compared to ambient background PCB concentrations and several OSHA and NIOSH standards. Total PCB exposure due to contact with plume remnants under worst case meteorological conditions will be compared to PCB exposure from other routes such as diet. As with worst case spillages, a probability or occurrence frequency of such worst case meteorological conditions will be stated.

Full Report Availability

All appendices in this report are on file at the following locations for inspection during normal business hours:

United States Environmental Protection Agency, Criteria and Standards Division, 401 M Street, SW., Washington, DC 20460, Attn: Dr. Alan B. Rubin, 2818 Mall, (202) 245–3030

United States Environmental Protection Agency, Library, Room 2404 Mall, 401 M Street, SW., Washington, D.C. 20460

U.S. Army Corps of Engineers Brownsville, Room 508, Boca Chica Towers, 2100 Boca Chica Blvd., Brownsvill, Texas

United States Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270, Attn: Bob Vickery

Appendix IV to this report is also identified as EPA Report No. 600/7–83–024, April, 1983 and may be ordered from the National Technical Information

Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487–4650.

[FR Doc. 83-12387 Filed 5-9-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-323; PH-FRL 2351-8]

Certain Companies; Pesticide, Food, and Food Additive Petitions

Correction

In FR Doc. 83–10740, in the issue of Wednesday, April 27, 1983, appearing on page 19078, in the second column, first full paragraph, line 6, *"[N–T1 (1-ethylpropyl)-3,4-"* should read *"[N-(1-ethylpropyl)-3,4-"*.

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

Highlands Broadcasting Co., Inc. et al.; Hearing Designation Order; Correction

In re applications of Highlands Broadcasting Company, Inc., Stevens Point, Wisconsin, Req: 96.7 MHz, Channel 244 3kW (H&V), 300 feet (MM Docket No. 83–274, File No. BPH–810709AD); Skipko Broadcasting, Inc., Junction City, Wisconsin, Req: 96.7 MHz, Channel 244 3kW (H&V), 280 feet (MM Docket No. 83–275, File No. BPH–811201AK); Sharon Broadcasting Corporation, Whiting, Wisconsin, Req: 96.7 MHz, Channel 244 3 kW (H&V), 300 feet (MM Docket No. 83–276 File No. BPH–820122AR); Central Wisconsin Broadcasting Company, Stevens Point, Wisconsin, Req: 96.7 MHz, Channel 244 3 kW (H&V), 291 feet (MM Docket No. 83–277 File No. BPH–820129AU). (3–31–83; 48 FR 13491)

Released: April 21, 1983.

The Commission, by the Chief, Mass Media Bureau, has before it the hearing designation order designation for comparative hearing the above-captioned applications, released March 25, 1983, which inadvertently and erroneously listed the proposed community of license of the Skipko Broadcasting, Inc. application as "Stevens Points, Wisconsin."

Accordingly, it is ordered, That the caption of the Skipko Broadcasting, Inc. application is corrected to read "Junction City, Wisconsin."

Federal Communications Commission.

Larry D. Eads,

Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 83-12471 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1402]

Petitions for Reconsideration and Applications for Review of Actions in Rulemaking Proceedings

May 3, 1983.

The following listings of petitions for reconsideration and applications for review filed in Commission rulemaking proceedings is published pursuant to CFR 1.429(e). Oppositions to such petitions for reconsideration and applications for review must be filed within 15 days after publication of this Public Notice in the **Federal Register.** Replies to an opposition must be filed within 10 days after time for filing oppositions has expired.

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (North Charleston, Eastover, and Ravenel, South Carolina) (BC Docket No. 80–201, RM's 3249 & 3710)

Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Elloree, South Carolina) (BC Docket No. 80–211, RM–3579)

Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Mount Pleasant, Parris Island, Manning, Bamberg, and Batesburg, South Carolina) (BC Docket No. 80–213, RM's 3406, 3718 & 3719)

Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Johnston, Leesville, Winnsboro Mills, Saluda, Union and Batesburg, South Carolina) (BC Docket No. 81–171, RM's 3518, 3556, 3613, 3666 & 3771)

Filed by: Edward B. Reddy & Matthew H. McCormick, Attorneys for Edgefield-Saluda Radio Co., Inc., on 3–28–83. Robert E. Kelly, Attorney for Clarence E. Jones, d/b/a Santee-Cooper Broadcasting Company on 3–28–83. Lawrence J. Bernard, Jr., Attorney for Clarendon County Broadcasting Company (WTWE–FM) & Jerrold Miller, Attorney for Ridge Broadcasting Company (WKWQ–FM) on 3–28–83.

Subject: Expansion of the Telephony Segments of the High Frequency Amateur Radio Service Bands. (PR Docket No. 82–83, RM's 3705, 3729, 3734, 3778, 3831, 3833 & 3860)

Filed by: Malcolm C. Mallette (WA9BVS), on 4–22–83.

Subject: Interconnection Arrangements Between and Among the Domestic and International Record Carriers. (CC Docket No. 82–122)

Filed by: Arthur H. Simms, Attorney for The Western Union Telegraph Company on 4–25–83. John A. Ligon, Attorney for ITT World Communications Inc., on 4–26–83.

Subject: The Suburban Community Policy, the *Berwick* Doctrine, and the *De Facto* Reallocation Policy. (BC Docket No. 82–320)

Filed by: George H. Shapiro & Michael J. Hirrel, Attorneys for Buena Vista Telecasters of Texas, Inc., on 4–13–83. Roy F. Perkins, Jr., for Perkins and Root, law firm on 4–13–83. Joseph F. Hennessey, Attorney for Denton Channel Two Foundation, Inc., on 4–13–83. John R. Feore & Thomas J. Hutton, Attorneys for Suncoast Radio-South Carolina Corporation on 4–14–83. Dennis P. Corbett & Robert W. Coll, Attorneys for Wilson Communications Corp., on 4–22–83. Dennis P. Corbett, James A. McKenna, Jr. & Steven A. Lerman, Attorneys for the law firm of McKenna, Wilkinson & Kittner on 4–22–83. James A. McKenna, Jr., Robert W. Coll & Jill Abeshouse Stern, Attorneys for American Broadcasting Companies, Inc., on 4–22–83. J. Richard Carr, Attorney for Washington Oregon Broadcasting, Inc., on 4–22–83. Robert B. McKenna, Attorney for W–2, Incorporated on 4–22–83. Lawrence J. Bernard, Jr., Attorney for Jack A. Carpenter and Beaufort County Broadcasting Company on 4–22–83.

Subject: Establishment of a Class of Amateur Operator License Not Requiring a Demonstration of Proficiency in the International Morse Code. (PR Docket No. 83–28)

Rule Part: 97.

Filed by: Robert G. Wheaton (W5XW), on 4–25–83. (Request that the Commission review and reverse denial of extension of time in which to file comments)

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-12470 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group Income and Other Accounts Subcommittee

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, June 8 and 9, 1983. The meeting will begin on June 8 at 9:30 a.m. in the offices of AT&T, Conference

Room A (10th Floor), 1120 20th Street NW., 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.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-12409 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Expense Accounts Subcommittee Meetings

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of three meetings of the Telecommunications Industry Advisory Group's (TIAG) Expense Accounts Subcommittee. The meetings will begin at 9:00 a.m. and will be open to the public. The meeting locations are:

Wednesday and Thursday, May 25–26, 1983
AT&T, Wednesday—Room 918, Thursday—Conference Room A, 1120 20th Street, NW., Washington, D.C.
Wednesday, June 15, 1983
USITA Conference Room, 1801 K Street, NW., Suite 1201, Washington, D.C.
Wednesday and Thursday, June 29–30, 1983
Federal Communications Commission, Room #7317, 2025 M Street, NW., Washington, D.C.

The agenda are as follow:

I. General Administrative Matters
II. Discussion of Assignments
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman John Howes, 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. Howes (212/393–4029) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-12474 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

Telecommunications Industry Advisory Group; Separations and Costing 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) Separations and Costing Subcommittee scheduled for Wednesday, May 25, 1983. The meeting will begin at 10:00 a.m. in the offices of the New York Public Service Commission, Hearing Room #2, 2 World Trade Center, 24th Floor, New York, New York and will be open to the public. The agenda is as follows:

I. General Administrative Matters
II. Organization, Interpretation of Mission and Approach
III. Other Business
IV. Presentation of Oral Statements
V. Adjournment

With prior approval of Subcommittee Chairman Eric Leighton, oral statements, while not favored or encouraged, may be allowed 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. Leighton (518/462–2030) at least five days prior to the meeting date.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-12473 Filed 5-9-83; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Review Schedule Under OMB Circular A–76 for FEMA In-House Commercial Activities

AGENCY: Federal Emergency Agency.

ACTION: Notice.

The following is a listing of the Federal Emergency Management Agency (FEMA) in-house commercial activities that are scheduled for an A–76 review in fiscal year 1983. The information is provided in accordance with OMB Circular No. A–76, Revised, "Policies for Acquiring Commercial or Industrial Products and Services Needed by the Government," dated March 29, 1979. Information identifies the function, location of work performance, manpower required to perform the work, and the date that the activity review is to be completed.

1. Transportation Services; Emmitsburg, MD; 4 workyears; July 31, 1983.

2. Audiovisual Products/Services; Washington, DC; 2 workyears; July 31, 1983.

3. Audiovisual Products/Services; Emmitsburg, MD; 4.75 workyears; August 31, 1983.

4. Guard Protection Services; Thomasville, GA; 3 workyears; September 30, 1983.

Inquiries concerning the reviews should be addressed to the FEMA A–76 contact, Gail Kercheval, (202) 287–0293, 500 C Street SW, Washington, DC 20472.

Dated: May 4, 1983.

Walter A. Girstantas,

Assistant Associate Director, Office of Administrative Support.

[FR Doc. 83-12426 Filed 5-9-83; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

Agreements Filed

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–4109.

Title: Georgia Ports Authority/ Japanese Lines Volume Incentive Agreement

Parties: Georgia Ports Authority (Authority), Japan Lines, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., Nippon Yusen Kaisha Yamashita-Shinnihon Steamship Co., Ltd. (Japanese Lines)

Synopsis: Agreement No. T-4109 is a three year agreement between the Authority and the Lines guaranteeing minimum wharfage payment and providing for incremental savings to the Lines in exchange for their nonexclusive use of the facilities.

Filing Party: Robert W. Goethe, Assistant Executive Director, Georgia Ports Authority, P.O. Box 2406, Savannah, Georgia 31402.

Agreement No. 2744-50.

Title: Atlantic and Gulf/West Coast of South America Conference.

Parties: Chilean Line (Compania Sud-Americana De Vapores), Delta Steamship Lines, Inc., Flota Mercante Grancolombiana, S.A., Peruvian State Line (Compania Peruana De Vapores), Lykes Bros. Steamship Co., Inc., Transnave (Transportes Navieros Equatorianos).

Synopsis: The scope of the basic agreement would be amended to add U.S. intermodal authority.

Filing Party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

Agreement Nos. 3868-30 and 3868-31.

Title: United States Atlantic and Gulf/ Panama Freight 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 (1) to provide that the members may agree upon and file proportional rates and (2) to add authority for alternate port service.

Filing Party: Nathan J. Bayer, Esquire, Freehill, Hogan & Mahar, 80 Pine Street, New York, N.Y. 10005.

By Order of the Federal Maritime Commission.

Dated: May 5, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-12429 Filed 5-9-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 1411]

Surface Cargo Specialists, Inc.; Order of Revocation

On April 29, 1983, Surface Cargo Specialists, Inc., c/o Farrell Transportation Corp., 15506 South Conduit Avenue, Jamaica, NY 11434 surrendered its Independent Ocean Freight Forwarders License No. 1411 for revocation.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised), section 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 1411 issued to Surface Cargo Specialists, Inc. be revoked effective April 29, 1983.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon Surface Cargo Specialists, Inc.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-12430 Filed 5-9-83; 8:45 am]

BILLING CODE 6730-01-M

Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

George Andrew Pasayan d.b.a. Georgia International Forwarding Company, 103 Line Creek Circle, P.O. Box 2324, Peachtree City, GA 30269

Prestige Forwarding Services Corporation, 425 California Street, Suite 2200, San Francisco, CA 94104
Officers: Jawad Kamel, Chairman; Mohammad Mortazavi, President; Gilbert E. Sells, Vice President; Werner Seyfried, Vice President/ Operations; Behrooz A. Khavari, Vice President

Morgan Systems International, Inc., 16515 Hedgecroft, Suite 306, Houston, TX 77060
Officers: James Michael Terry, President/Director; Willy Ruefenacht, Stockholder; Captain Ahmed Hamdy, Stockholder

Argosy International Inc., 16058 Vickery Drive, Suite 130, Houston, TX 77032
Officers: John E. Patrick, President/ Director; Samir George Zabaneh, Secretary/Director; Fuad J. Baba, Vice President/Director; Fihmi J. Baba, Assistant Treasurer/Director

Jean H. Johnston d.b.a. Joy International Freight Forwarding (JIFF), 135 Wyandot Avenue, Marion, OH

Stevan Mile Dokmanovic, d.b.a. DMS International Freight Forwarder, 358 Litchfield, Houston, TX 77024

Carmen Colon d.b.a. Carmenco International, 2625 Third Avenue, Apt. 1A, Bronx, NY 10451

Seachott, Inc., Cargo Bldg., No. 3, Doors 106-109, Dulles International Airport, P.O. Box 17373, Washington, D.C. 20041
Officer: Robert J. Schott, President/ Director

Consolidated Freightways Export-Import Services, Inc., 244 Jackson Street, San Francisco, CA 94111
Officers: Raymond F. O'Brien, Chairman/Director; John P. Kelly, Vice President/General Counsel/ Sec./Director; Donald E. Moffitt, Vice President-Finance/Treasurer/ Director; W. Roger Curry, Vice Chairman/Director; Lary R. Scott, Director; John A. Hettrich, General Manager; George T. Barczay, Assistant Secretary; William N. Maurer, Assistant Secretary

Hasman & Baxt of Florida, Inc., 3443 N.W. 65th Street, Miami, FL 33147
Officers: Mitchell P. Baxt, President/ Director; Humberto Estevez, Secretary/Director; Belle Dirstein, Director.

Constantin D. Florescu d.b.a. A. F. C. International, 99 East First Street, Clifton, NJ 07011

Alex Stiebel, 640 LaPrairie, Ferndale, Michigan 48220

By the Federal Maritime Commission.

Dated: May 4, 1983.

Francis C. Hurney,

Secretary.

[FR Doc. 83-12383 Filed 5-9-83; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2610]

John J. Tarnowski; Order of Revocation

On March 30, 1983, John J. Tarnowski, 10902 Clearfolk Street, Humble, TX 77338 requested the Commission to revoke his Independent Ocean Freight Forwarder License No. 2610.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (Revised) § 10.01(e) dated November 12, 1981;

It is ordered, that Independent Ocean Freight Forwarder License No. 2610

issued to John J. Tarnowski, be revoked effective March 30, 1983.

It is further ordered, that Independent Ocean Freight Forwarder License No. 2610 issued to John J. Tarnowski be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the **Federal Register** and served upon John J. Tarnowski.

Albert J. Klingel, Jr.,

Director, Bureau of Certification and Licensing.

[FR Doc. 83-12304 Filed 5-9-83; 8:45 am]

BILLING CODE 0730-01-M

FEDERAL RESERVE SYSTEM

Acquisition of Bank Shares by a Bank Holding Company

The company listed in this notice has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire voting shares or assets of a bank. The factors that the are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors, or at the Federal Reserve Bank indicated. With respect to the application, interested persons may express their views in writing to the address indicated. Any comment on the 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. **Board of Governors of the Federal Reserve System** (William W. Wiles, Secretary) Washington, D.C. 20551:

1. *First City Bancorporation of Texas, Inc.*, Houston, Texas; to acquire 100 percent of the voting shares or assets of First City Bank-Forum, N.A., San Antonio, Texas, a *de novo* institution. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Dallas. Comments on this application must be received not not later than June 3, 1983.

Board of Governors of the Federal Reserve System, May 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-12409 Filed 5-9-83; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed De Novo Nonbank Activities

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Omaha National Corporation*, Omaha, Nebraska (mortgage lending activities; Kansas and Missouri): To engage through its subsidiary, Realbanc, Inc., in mortgage lending activities; including the extension of residential mortgage loans for sale to permanent investors, the extension of construction loans and the performance of local collection and inspection activities related thereto. These activities will be conducted from an office in Kansas City, Missouri, and will serve the States of Missouri and Kansas. Comments on this application must be received not later than June 3, 1983.

2. *American Commerce Bancshares, Inc.*, Oklahoma City, Oklahoma (mortgage financing; Oklahoma): To engage directly in making residential mortgage loans for sale into the secondary real estate market. These activities would be performed in Oklahoma City, Oklahoma serving Oklahoma County, Cleveland County and Canadian County in the State of Oklahoma. Comments on this application must be received not later than June 3, 1983.

B. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Security Pacific Corporation*, Los Angles, California (mortgage and servicing activities; Colorado): To engage through its subsidiary, Security Pacific Mortgage Corporation, in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for Security Pacific Mortgage Corporation's own account or for sale to others; and the servicing of such loans for others. These activities would be conducted from an office of Security Pacific Mortgage Corporation in Arvada, Colorado, serving the State of Colorado. Comments on this application must be received not later than June 3, 1983.

2. *Security Pacific Corporation*, Los Angeles, California (mortgage and servicing activities; California): To engage through its subsidiary, Security Pacific Mortgage Corporation, in the origination and acquisition of mortgage loans, including development and construction loans on multi-family and commercial properties for Security Pacific Mortgage Corporation's own account or for sale to others; and the servicing of such loans for others. These activities would be conducted from an office of Security Pacific Mortgage Corporation in Los Angeles, California, serving the State of California. Comments on this application must be received not later than June 3, 1983.

3. *Woodburn Bancorp*, Woodburn, Oregon (leasing activities; Oregon): To establish a *de novo* subsidiary, Woodburn Bancorp Leasing, Inc., to engage in leasing real and personal properties and servicing such leases in accordance with the Federal Reserve Board's Regulation Y. These activities would be conducted from an office of Woodburn Bancorp in Woodburn, Oregon, serving Woodburn and the surrounding rural area. Comments on this application must be received not later than June 2, 1983.

Board of Governors of the Federal Reserve System, May 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-12410 Filed 5-6-83; 8:45 am]

BILLING CODE 6210-01-M

Formation of Bank Holding Companies

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 Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Independent Banks of Virginia, Inc.*, Norfolk, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Heritage Bank & Trust, Norfolk, Virginia. Comments on this application must be received not later than May 27, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Alexander City Bancshares, Inc.*, Alexander City, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of Alexander City Bank, Alexander City, Alabama. Comments on this application must be received not later than May 25, 1983.

Board of Governors of the Federal Reserve System, May 4, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-12408 Filed 5-6-83; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Disease Control

Health Risks in Information Processing; Open Meeting

The following meeting will be convened by the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and will be open to the public for observation and participation, limited only by space available:

Date: May 20, 1983.

Time: 9:30 a.m.

Place: Robert A. Taft Laboratory, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

Purpose: To review and discuss a research protocol for validating:

(1) a questionnarie instrument developed to measure aspects of information proceesing load, and

(2) a physiological approach, involving heart rate recording, to assessing information processing demands.

Additional information may be obtained from: Joseph J. Hurrell, Jr., Ph.D., Applied Psychology and Ergonomics Branch, Division of Biomedical and Behavioral Science, Mail Stop C-24, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513/684-8293.

Dated: May 4, 1983.

William C. Watson, Jr.,

Acting Director, Centers for Disease Control.

[FR Doc. 83-12483 Filed 5-9-83; 8:45 am]

BILLING CODE 4160-19-M

Food and Drug Administration

[Docket No. 82N-0373]

Clinical Studies of Effects of Orphan Products; Grants

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of funds for fiscal year 1983 for awarding grants to support clinical trials on safety and effectiveness of orphan products. FDA expects to award approximately 15 to 30 grants ranging from $20,000 to $70,000 each. FDA will consider larger grants if they extend over a 2- or 3-year period.

DATE: Applications must be received by 4 p.m. on July 11, 1983. The earliest beginning date for awards is September 12, 1983.

FOR FURTHER INFORMATION CONTACT: Benjamin P. Lewis, Office of Orphan Products Development (HF-35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301-443-4903.

SUPPLEMENTARY INFORMATION: FDA will support the clinical studies covered by this notice under section 301 of the Public Health Service Act (42 U.S.C. 241). FDA's research program is described in the Catalog of Federal Domestic Assistance, No. 13.103.

I. Background

FDA has established an Office for Orphan Products Development to identify and facilitate the availability of orphan products. Orphan products are drugs, biologics, medical devices (including in vitro diagnostics), foods for medical purposes, and veterinary products that may be useful in an uncommon or common disease but lack committed commercial sponsorship because they are not considered commercially attractive for marketing. A subcategory of orphan products are those marketed products with suggestive evidence of usefulness in an uncommon, serious disease but which are not labeled for that disease because definitive evidence is lacking.

One way to make orphan products more easily available is to support research to determine whether the products are safe and effective. FDA has allocated funds to support such research.

II. Research Goals and Objectives

FDA will consider only clinical studies for determining whether the products are safe and effective for premarket approval under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), including the addition of new uses to marketed drugs. Ordinarily, there should already be available at least some preliminary clinical research suggesting effectiveness and relative safety, though FDA will also consider applications where persuasive pharmacologic evidence is available that a product has a reasonable possibility of being effective even though no clinical trials have yet been performed. All studies subject to requirements for clinical investigations under the Federal Food, Drug, and Costmetic Act are to be conducted in accordance with those requirements in addition to the requirements of the request for application (RFA).

Because funds are relatively limited, FDA cannot consider large research projects involving many patients and long-term followup. The typical study considered for support may involve up to several dozen patients and will be well controlled and directed to providing substantial evidence of the product's safety and effectiveness. Pharmacokinetic studies will also be

considered if they are necessary to determine safe and effective doses in patients with serious organ disease that might affect drug disposition. But pharmacokinetic studies will be considered only if they are part of studies for determining effectiveness of a drug or are proposed as disirable information to obtain for drugs that are already shown to be effective. In designing a well-controlled study, the investigator should keep in mind that historical controls or use of the patient as his/her own control are generally less desirable and reliable than active control or, when ethical, placebo controls.

III. Reporting Requirements

Financial status reports will be required at the end of each budget period.

IV. Mechanism of Support

A. *Ward Instrument.* Support will be in the form of grant awards. These awards will be subject to all policies and requirements that govern the research grant programs of the Public Health Service including the provisions of 42 CFR Part 52, 45 CFR Part 74, and requirements for cost sharing.

B. *Eligibility.* These grants are available to any public or private nonprofit entity (including State and local units of government) and any for-profit entity.

C. *Length of Support.* The length of support will depend upon the nature of the study and may extend beyond 1 year. For studies where the expected date of completion is more than 1 year, however, continuation of support beyond the first year will be based upon review of performance during the preceding year and availability of funds.

D. *Funding plan.* The number of studies funded will depend on the quality of the applications received and the availability of funds.

V. Review Procedure and Criteria

A. *Review Method.* Applications will undergo initial review by experts in the field relative to the specific application. The experts will review and evaluate each application based on its scientific merit. The applications will be subject to a second-level review to evaluate them based on their relevance to the aims of the Orphan Products Development Program. Applications will also be reviewed prior to an FDA grant award to ensure to the extent practicable that proposed studies are consistent with requirements for approval under the Federal Food, Drug, and Cosmetic Act.

B. *Review Criteria.* Applications must be responsive to this request for applications. Those judged not to be responsive will be referred to the Division of Research Grants, National Institutes of Health (NIH), for review and consideration as unsolicited applications. Applications that are judged to be unresponsive will not be considered for funding under this RFA. Applications will be reviewed according to the following criteria.

1. Responsiveness to the RFA.
2. The soundness of the rationale for the study.
3. The appropriateness of the study design to answer the question posed.
4. The evidence presented by the applicant that he/she will he able to recruit the proposed number of patients and complete the study during the allotted period.
5. The plans for complying with regulations for protection of human subjects as applicable to the proposed study.
6. The research experience, training, and competence of the principal investigator and the support staff.

VI. Format for Application

Applications must be submitted on Form PHS 398, Public Health Service Grant Application. The face page of the application must reflect the RFA number RFA–FDA–OP–83–1. To ensure confidentiality of individual salary information, applicants may choose to include that information on the original application only. All copies of the application should reflect only a total amount for salaries and fringe benefits. the copies of the application will be distributed to the reviewers when the application is received. No action will be taken by the funding agency to delete confidential information. Data included in the application, if restricted with the legend specified below, may be entitled to confidential treatment as trade secret or confidential commercial information within the meaning of the Freedom of Information Act (5 U.S.C. 552(b)(4)) and the regulations of the Food and Drug Administration implementing the Act (21 CFR 20.61).

The collection of information requested on the PHS Form 398 and the instructions have been submitted by the Public Health Service (PHS) to the Office of Management and Budget (OMB), and were approved and assigned OMB control number 0925–0001.

Legend

Unless disclosure is required by the Freedom of Information Act, 5 U.S.C. 552, as amended (the act) as determined by the Freedom of Information (FOI) Officials of the Department of Health and Human Services, data contained in the portions of this application with have been specifically identified by page number, paragraph, etc., by the applicant as containing restricted information shall not be used or disclosed except for evaluation purposes.

The original and six copies of the completed application should be delivered to, and application kits are available from, Helen M. Crown, Chief, State Contracts and Assistance Agreement Branch (HFA–520), Food and Drug Administration, Rm. 12A–27, 5600 Fishers Lane, Rockville, MD 20857; 301–443–6170.

Label the outside of the mailing package and the top of the application face page "Response To RFA–FDA–OP–83–1."

Applications must be received by 4 p.m. on July 11, 1983. Those received later will be considered in a second round of review if unobligated funds remain in the program. If there are no funds remaining, late applications will be referred to the Division of Research Grants, National Institutes of Health, for review as unsolicited applications.

Dated: May 3, 1983

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 83-12445 Filed 5-9-83; 8:45 am]

BILLING CODE 4160-01-M

Eastern Shore Labs., Inc.; Aquamycin Soluble Powder; Withdrawal of Approval of NADA

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is withdrawing approval of a new animal drug application (NADA) sponsored by Eastern Shore Labs., Inc., providing for use of Aquamycin Soluble Powder (tetracycline hydrochloride) for making medicated drinking water used in chickens, turkeys, calves, and swine for preventing and treating certain diseases. The firm requested withdrawal of approval.

EFFECTIVE DATE: May 20, 1983.

FOR FURTHER INFORMATION CONTACT: Howard Meyers, Bureau of Veterinary Medicine (HFV–218), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; 301–443–4093.

SUPPLEMENTARY INFORMATION: Eastern Shore Laboratories, Inc., Laurel, DE 19956, is sponsor of NADA 65–095, which provides for use of Aquamycin Soluble Powder (tetracycline hydrochloride) for making medicated

drinking water used in chickens, turkeys, calves, and swine for preventing and treating certain diseases.

The product was originally approved on August 26, 1969. Approval of this NADA has not been codified in the Code of Federal Regulations. This firm, in its submission of October 29, 1982, to FDA's Bureau of Veterinary Medicine, requested withdrawal of approval of the NADA without prejudice and waived opportunity for a hearing (see 21 CFR 514.115(d)) because the product is not being manufactured.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–347 (21 U.S.C. 360b(e))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.84), and in accordance with § 514.115 Withdrawal of approval of applications (21 CFR 514.115), notice is given that approval of NADA 65–095 and all supplements for Aquamycin Soluble Powder is hereby withdrawn, effective May 20, 1983.

Dated: May 2, 1983.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 83-12446 Filed 5-9-83; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 83N-0081]

Codex Standard for Dried Edible Fungi

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing the Codex Standard for Dried Edible Fungi (Codex Standard 39–1981) (Codex standard) developed by the Codex Alimentarius Commission and announcing that no U.S. standard will be established for dried edible fungi based on the Codex standard.

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

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. As a member of the Codex Alimentarius Commission, the United States is obligated to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of Codex standard signifies that, except as provided for by specified deviations, a product that complies with the codex standard may be distributed freely within the accepting country. A participating country which concludes that it will accept a Codex standard is requested to inform the codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

The United States can accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act (the act) applies by establishing a standard under the authority of section 401 of the act (21 U.S.C. 341), or by revising an existing standard appropriately to incorporate the Codex provisions within the U.S. standard. However, section 401 of the act states that no definition and standard of identity and no standard of quality shall be established for dried vegetables. Therefore, there are no U.S. standards for dried edible fungi.

Although no U.S. standard for dried edible fungi can be established, FDA is publishing the Codex standard, as set forth below, in accordance with 21 CFR 130.6. Because FDA cannot establish a standard for dried edible fungi, no comments are solicited in response to this notice. The Codex Alimentarius Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

The Codex standard for Dried Edible Fungi is as follows:

Codex Stan. 39–1981—Codex Standard For Dried Edible Fungi [1]

World-wide Standard

1. *Scope*

This standard applies to dried fungi (including freeze-dried fungi), whole or sliced, of all edible species, after preparation and packaging.[2]

[1] Formerly CAC/RS 39–1970.

[2] This standard also covers dried fungus Shii-take.

2. *Description*

2.1 *Definitions of products*

2.1.1 "Whole dried fungi" means the product obtained from cleaned and dried edible fungi. Their stalks may be shortened.

2.1.2 Whole caps without stems.

2.1.3 "Cut dried fungi" means the product obtained from whole edible fungi sliced and dried, the thickness of individual slices being 1–4 mm.

2.2 *Definitions of defects*

2.2.1 "Damaged fungi" means whole fungi, with more than ¼ of the cap missing, or, in the case of cut fungi, means fungi with more than ⅓ of the total surface of the slice missing.

2.2.2 "Carbonized fungi" means whole or cut dried fungi with traces of carbonization on their surface.

2.2.3 "Maggot damaged fungi" means fungi having holes caused by maggots.

2.2.4 "Seriously maggot damaged fungi" means fungi having four or more holes caused by maggots.

2.2.5 "Crushed fungi" means parts of mushrooms passing through a sieve having a 5x5 mm mesh.

2.2.6 "Fallen-off stalks" means stalks separated from the caps.

2.2.7 "Organic impurities of vegetable origin" means admixtures of other edible fungi, parts of plants such as leaves, pine needles, etc.

2.2.8 "Mineral impurities" means those substances which, after ashing, remain as insoluble residues in hydrochloric acid.

2.3 *Main Species*

All edible fungi permitted for sale by the competent authorities in the consuming countries.

Essential Quality Factors

3.1 *Raw Material*

The raw material used for the production of dried edible fungi shall meet the general requirements set out in the General Standard for Edible Fungi and Fungus Products (CAC/RS 38–1970)

3.2 *End Product*

3.2.1 Dried Edible Fungi shall be healthy, i.e. not spoiled; of a colour, flavour and taste appropriate for the species; clean, i.e. free of organic and mineral impurities; free, as far as possible, from maggot damage and damage caused by insects; undamaged.

3.2.2 Dried Edible Fungi shall be properly dried and conform with the following:

Product	Maximum water content (percent m/m)
Freeze-dried fungi	8
Dried (other than freeze-dried) fungi	12

Product	Maximum water content (percent m/m)
Dried Fungus *Shii-ta-ke*	13

3.3 *Tolerances for Defects*

3.3.1 A maximum of 25% m/m of fungi not satisfying the end-product requirements specified in sub-section 3.2.1 is allowed.

3.3.2 Within the tolerance, provided for in subsection 3.2.1, the following individual tolerances shall apply:

Defects	Tolerance
Mineral impurities	Not more than 2% m/m.
Organic impurities of vegetable origin.	Not more than 0.02% m/m except for Shii-ta-ke mushrooms for which the maximum shall be 1% m/m.
Maggot damaged fungi:	
Wild growing fungi	Not more than 20% m/m of total damage including serious damage.
Cultivated fungi	Not more than 1% m/m of total damage including not more than 0.5% m/m of serious damage.
Crushed fungi	Not more than 6% m/m.
Carbonized fungi	Not more than 2% m/m.
Damaged fungi	Not more than 20% m/m.

fallen-off stalks shall be equal in number to caps, i.e. 1:1.

4. Hygiene.

It is recommended that the products covered by this standard be prepared in accordance with the Code of Hygienic Practice for Dehydrated Fruits and Vegetables including Edible Fungi recommended by the Codex Alimentarius Commission (Ref. No. CAC/RCP 5–1971).

5. Packaging and Presentation.

5.1 *Uniformity*

Packages (cartons, polyethylene bags, boxes) in a lot shall each contain fungi of the same commercial type, and shall have a uniform net weight.

5.2 *Packaging*

Cartons, bags and boxes shall be such as to ensure adequate protection against humidity during storage and transport of the product. Any paper or other material used inside the package shall be new, waterproof and harmless to human health. Fungi shall not come into contact with printed inscriptions on the package.

5.3 Fungi shall be loosely packed in packing units.

6. *Labeling*

In addition to Sections 1, 2, 4 and 6 of the General Standard for the labelling of Prepackaged Foods (Ref. CODEX STAN. 1–1981) the following specific provisions apply:

6.1 *The Name of the Food*

Products complying with the definitions and other requirements of this standard shall be so designated as to specify:

6.1.1 The common and scientific name of the species of fungus used, but the terms "fungus" and fungi" may be replaced by terms which have customarily been used to describe the genus or species concerned in the country in which the product is intended to be sold, e.g. "mushroom" or "mushrooms" for the genus *Agaricus;*

6.1.2 The type of product: "dried fungi" or "freeze-dried fungi";

6.1.3 The style: "whole", "caps" or "sliced".

6.2 *Net Contents*

The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement, as required by the country in which the product is sold.

6.3 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.4 *Country of Origin*

6.4.1 The country of origin of the product shall be declared.

6.4.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7. *Methods of Analysis and Sampling.*

(To be developed).

Dated: April 29, 1983.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 83-12345 Filed 5-9-83; 8:45 am]

BILLING CODE 4160-01-M

Health Professional Organization Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming meeting with health professional organizations to be chaired by Arthur Hull Hayes, Jr., M.D., Commissioner of Food and Drugs.

DATE: The meeting will be held from 3 p.m. to 5 p.m., Monday, May 23, 1983.

ADDRESS: The meeting will be held in Rm. 503A–529, Hubert H. Humphrey Bldg., 200 Independence Ave., SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth Flieger, Special Assistant to the Associate Commissioner for Health Affairs (HFY–1) Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–6143.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs meets periodically with executives of the health professional organizations to share mutual concerns and facilitate dissemination of FDA proposals and decisions affecting the country's health care. The agenda item for discussion at the May 23, 1983, meeting will be direct-to-consumer advertising of prescription drugs.

Dated: May 2, 1983.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 83-12443 Filed 5-9-83; 8:45 am]

BILLING CODE 4160-01-M

National Institutes of Health

National Cancer Advisory Board; Subcommittee for the Review of Contracts and Budget of the Office of the Director; Amended Notice of Meeting

Notice is hereby given for an amendment to the Notice of the National Cancer Advisory Board, National Cancer Institute, May 15–18, 1983, which was published in the **Federal Register** on April 15 (48 FR 16338–9). The *beginning time* for the Subcommittee for the Review of Contracts and Budget of the Office of the Director, May 18, will be changed from 1:00 p.m. to 12:30 p.m. The place of the meeting will remain the same: Building 31, C Wing, Conference Room 7, National Institutes of Health. For further information, please contact Mr. James E. Prather, Executive Secretary, National Cancer Institute, National Institutes of Health, Building 31, Room 11A29, 9000 Rockville Pike, Bethesda, Maryland 20205.

Dated: May 4, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-12394 Filed 5-9-83; 8:45 am]

BILLING CODE 4140-01-M

Clinical Trials Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Clinical Trials Committee, National Cancer Institute, June 13–14, 1983, Landow Building, Conference Room E, 7910 Woodmont Avenue, Bethesda, Maryland 20814. This meeting will be open to the public on June 13, from 9:00 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 13, from approximately 9:30 a.m. to recess, and on June 14, from 9:00 a.m. to adjournment for the review, discussion and evaluating of individual contract proposals. These proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and person information concerning individuals associated with the proposals, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Richard A. Rhoden, Executive Secretary, Clinical Trials Committee, National Cancer Institute, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20205 (301/496–7030) will furnish substantive program information.

Dated: April 9, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-12390 Filed 5-9-83; 8:45 am]

BILLING CODE 4140-01-M

Board of Scientific Counselors; Division of Cancer Treatment; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, Division of Cancer Treatment, National Cancer Institute, June 9–10, 1983, Building 31, C Wing, Conference Room 10, National Institutes of Health, Bethesda, Maryland 20205. The meeting will be open to the public on June 9, from 8:30 a.m. to 12:00 noon, and again from 3:30 p.m. to recess, and on June 10, from 8:30 a.m. to adjournment, to review program plans, contract recompetitions and budget for the DCT program. In addition, there will be a review of the Radiation Research Program, including new initiatives for 1984. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Section 552B(c)(6), Title 5, U.S.C. and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on June 9, from 1:00 p.m. to approximately 3:00 p.m., for the review, discussion and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A–06, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Bruce A. Chabner, Director, Division of Cancer Treatment, National Cancer Institute, Building 31, Room 3A–52, National Institutes of Health, Bethesda, Maryland 20205 (301/496–4291) will furnish substantive program information.

Dated: April 29, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 83-12392 Filed 5-9-83; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–19155–13]

Alaska Native Claims Selection; Doyon Ltd.

On September 27, 1982, a Decision to Issue Conveyance (DIC) was issued to Doyon, Limited and published September 29, 1982, in the **Federal Register** (47 FR 42824–42825).

The navigability maps attached to the DIC of September 27, 1982, identified the navigable water bodies as recommended in the Alaska State Director (SD), BLM memorandum dated August 31, 1982, concerning final easements and navigability determinations for Doyon, Limited, in the vicinity of Evansville.

On April 15, 1983, an amendment to the SD memorandum was issued which contained an administrative redetermination of certain unnamed, double-lined sloughs, along the Koyukuk River, South Fork Koyukuk River and John River in the following described lands:

Fairbanks Meridian, Alaska (Surveyed)

T. 23 N., 17 W.,
Secs. 13, 31, 32, and 33.
T. 22 N., 18 W.,
Secs. 12, 13, and 24.
T. 23 N., R. 19 W.,
Secs. 8, 20, 21, 28, 29, and 33.
T. 25 N., R. 19 W.,
Secs. 16, 20, 21, and 36.

The navigable water bodies in the areas listed above are identified on the attached navigability maps, the original of which will be found in easement case file F–21779–13.

The DIC of September 27, 1982, approved for conveyance the surface and subsurface estates of the beds of the above-mentioned unnamed sloughs to Doyon, Limited. As these water bodies are now considered navigable, the submerged lands beneath them are not public lands and are not available to the Native corporation under the Alaska Native Claims Settlement Act of December 18, 1971 (43 CFR 2650.0–5(g)).

Therefore, the DIC of September 27, 1982, is hereby modified to exclude the submerged lands beneath the above-described water bodies from the approval for conveyance to Doyon, Limited. Approximately 156 acres will not be charged toward the regional corporation's entitlement.

This modified decision consititutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the Tundra Times.

Except as modified by this decision, the decision of September 27, 1982, stands as written.

B. LaVollo Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-12485 Filed 5-9-83; 8:45 am]

BILLING CODE 4310-84-M

[F–19328–A; F–19328–B]

Alaska Native Claims Selection; Evansville, Inc.

On September 27, 1982, a Decision to Issue Conveyance (DIC) was issued to Evansville, Inc., and published September 29, 1982 in the **Federal Register** (47 FR 42816).

The navigability maps attached to the DIC of September 27, 1982, identified the navigable water bodies as recommended in the Alaska State Director (SD), BLM memorandum dated August 31, 1982, concerning final easements and navigability determinations for lands in the vicinity of Evansville.

On April 15, 1983, an amendment to the SD memorandum was issued which contained an administrative redetermination of certain unnamed,

double-lined sloughs along the Koyukuk River and the John River in the following described lands:

Fairbanks Meridian, Alaska (Surveyed)

T. 25 N., R. 17 W.,
Secs. 3, 4, and 9.
T. 24 N., R., 19 W.
Secs. 2, 20, 21, 28, 29, 32, and 33.

The navigable water bodies in the areas listed above are identified on the attached navigability maps, the original of which will be found in easement casefile F–19328–EE.

The DIC of September 27, 1982 approved for conveyance the surface estate of the beds of the above-described sloughs to Evansville, Inc., and conveyance of the subsurface estate of the same lands to Doyon, Limited. As these water bodies are now considered navigable, the submerged lands beneath them are not public land and are not available for conveyance to the Native corporations under the Alaska Native Claims Settlement Act of December 18, 1971 (43 CFR 2650.0–5(g)).

Therefore, the DIC of September 27, 1982, is hereby modified to exclude the submerged lands beneath the above-described water bodies from the approval for conveyance to Evansville, Inc. and Doyon, Limited. Approximately 191 acres will not be charged against the corporation's entitlement.

Evansville, Inc., is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA, as amended. The total acreage conveyed or approved for conveyance is now approximately 63,737 acres instead of 63,928 acres, as shown in the amended DIC dated November 8, 1982. The remaining entitlement of approximately 5,383 acres will be conveyed at a later date.

This modified decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks in the *Tundra Times*.

Except as modified by this decision and the decision of November 8, 1982, the decision of September 27, 1982, stands as written.

B. LaVelle Black,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83–12484 Filed 5–9–83; 8:45 am]

BILLING CODE 4310–84–M

[Group 824]

California; Filing of Plat of Survey

April 29, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 32 N., R. 9 W.

2. This plat, representing the corrective dependent resurvey of the section line between sections 2 and 11, T. 32 N., R. 9 W., Mount Diablo Meridian, under Group No. 824, California, was accepted April 15, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Dated: May 2, 1983.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83–12462 Filed 5–9–83; 8:45 am]

BILLING CODE 4310–84–M

[Group 824]

California; Filing of Plat of Survey

April 29, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian, California

T. 32 N., R. 9 W.

2. This plat, representing the corrective dependent resurvey of the section line between sections 2 and 11, T. 32 N., R. 9 W., Mount Diablo Meridian, under Group No. 824, California, was accepted April 15, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E–2841, Sacramento, California 95825.

Dated: May 2, 1983.

Herman J. Lyttge,

Records and Information Section.

[FR Doc. 83–12463 Filed 5–9–83; 8:45 am]

BILLING CODE 4310–84–M

Utah and Colorado; Availability of Draft Uinta-Southwestern Utah Coal EIS, Public Hearings

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management (BLM), Department of the Interior, has prepared a Draft Uinta-Southwestern Utah Coal Regional Environmental Impact Statement (EIS) which analyzes a second round of proposed competitive leasing of Federal coal in the Uinta-Southwestern Utah Coal Production Region.

Four coal leasing alternatives are considered: (1) Lease 27 tracts containing 1.907 billion tons of in-place coal, (2) lease 22 tracts containing 1.668 billion tons of in-place coal, (3) lease 20 tracts containing 1.316 billion tons of in-place coal, and (4) no competitive Federal leasing (No Action). The tracts are located in central Utah (20 tracts), southern Utah (5 tracts) and west-central Colorado (2 tracts). Alternative Two is the preferred alternative.

Because all tracts proposed for surface mining have Federal surface, no surface owner consent will be required.

DATE: Written comments on the Draft EIS should be submitted by July 8, 1983. Hearing dates are listed below.

ADDRESS: Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111. ATTN: Mr. Ronald Bolander (933).

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Bolander, EIS Team Leader, at the above address. Telephone (801) 524–4257.

SUPPLEMENTARY INFORMATION: A limited number of copies of the Draft EIS are available upon request from Mr. Bolander at the above address, or from BLM offices at the following locations:

—Bureau of Land Management, Office of Public Affairs, Main Interior Building, 18th and C Streets NW., Washington, D.C. 20240

—Bureau of Land Management, Moab District Office, 125 West 2nd South, P.O. Box 970, Moab, Utah 84532
—Bureau of Land Management, Cedar City District Office, 1579 North Main, P.O. Box 724, Cedar City, Utah 84720
—Bureau of Land Management, Richfield District Office, 150 East 900 North, P.O. Box 763, Richfield, Utah 84701
—Bureau of Land Management, Price River Resource Area Office, 900 North 7th East, P.O. Box AB, Price, Utah 84501
—Bureau of Land Management, Kanab Resource Area Office, 320 North 1st East, P.O. Box 458, Kanab, Utah 84741
—Uncompahgre Basin Resource Area Office, Bureau of Land Management, 336 South 10th, P.O. Box 1269, Montrose, Colorado 81401
—Bureau of Land Management, Colorado State Office, 1037 20th Street, Denver, Colorado 80202

Public hearings will be held as scheduled below to announce and discuss the results of the ranking and selection process and the potential impacts, including mitigation measures, as presented in the Draft EIS. The State Director, Utah State Office, invites oral and written comments at that time.

June 6, 1983, 7:00 p.m.
Delta Middle School Cafeteria, Delta, Colorado

June 7, 1983, 7:00 p.m.
Emery County Courthouse, Castle Dale, Utah

June 8, 1983, 7:00 p.m.
BLM Kanab Area Office, 320 North First East, Kanab, Utah

June 9, 1983, 7:00 p.m.
Salt Palace, Room 220, Salt Lake City, Utah

Written and oral comments concerning the adequacy of the Draft EIS will receive consideration in preparation of the Final Environmental Impact Statement.

Dated: April 26, 1983.
Signed:

James M. Parker,
Acting Director, Bureau of Land Management.

Dated: April 29, 1983.
Approved:

David G. Houston,
Acting Assistant Secretary for Land and Water Resources.

[FR Doc. 83-12385 Filed 5-9-83; 8:45 am]
BILLING CODE 4310-84-M

[U-050]

Richard District, Richfield, Utah; Henry Mountain Final Grazing Environmental Statement (EIS)

Notice is hereby given that Henry Mountain Final Grazing EIS is available to the public. Public comment will be accepted until June 28, 1983. Those wishing a copy of the final EIS should write or call Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701, telephone (801) 896-8221.

Donald L. Pendleton,
District Manager.
May 2, 1983.

[FR Doc. 83-12477 Filed 5-9-83; 8:45 am]
BILLING CODE 4310-84-M

Wyoming; Rawlins District Advisory Council Meeting

AGENCY: Rawlins District Office, Rawlins, Wyoming.

ACTION: Notice of meeting of the Rawlins District Advisory Council.

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 that a meeting of the Rawlins District Advisory Council will be held.

DATE: June 16, 1983.

ADDRESS: Rawlins District Office, 1300 N. Third Street, Rawlins, Wyoming.

FOR FURTHER INFORMATION CONTACT: David Walter, District Manager, Rawlins District, Bureau of Land Management, P.O. Box 670, Rawlins, Wyoming 82301; (307) 324-7171.

SUPPLEMENTARY INFORMATION: The meeting will begin at 9 a.m. in the conference room of the Rawlins District Office. The agenda for this meeting will include:

(1) Introduction and orientation.
(2) BLM/on-shore minerals management merger in the Rawlins District.
(3) Adobe Town/Ferris Mountains EIS and wilderness study.
(4) Coal leasing program.
(5) Asset management.
(6) Sportsman's Park Inc. public access program.
(7) Public comment period.
(8) Election of officers.

The meeting is open to the public. Interested persons may make oral statements to the council at 3:30 p.m. or file written statements for the council's consideration. Anyone wishing to make an oral statement must notify the District Manager on or before June 9, 1983. Depending on the number of persons wanting to make statements, a time limit may be established.

David J. Walter,
District Manager.

[FR Doc. 83-12461 Filed 5-9-83; 8:45 am]
BILLING CODE 4310-84-M

Bakersfield District Advisory Council; Meeting

SUMMARY: Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that the Bakersfield District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will meet formally Friday, June 10 and Satruday, June 11, 1983, in the City Council Chambers of the Bishop City Hall, 377 West Line Street, Bishop, California. The meetings will be held from 8 a.m. to 5 p.m. on Friday, and from 8 a.m. to 2 p.m. on Satruday.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

(1) The effects of illegal marijuana cultivation on multiple-use resource management.

(2) The preliminary wilderness recommendations proposed in the Draft Environmental Impact Statement for the Benton-Owens Valley/Bodie-Coleville Study Areas.

(3) A field trip, scheduled for Saturday morning, to tour the Mono Lake area and to review on-site the current status of legislation and resouce management issued concerning that area. Transportation for this trip is provided for staff and Council members only. Public participants are invited to join the tour, but must provide their own transportation and meals.

The meeting is open to the public, with time allotted for oral comments at 4 p.m. Friday, June 10. If written comments will be presented for the Council's consideration, they must be submitted before the close of the meeting.

Summary minutes of the meeting will be maintained in the Bakersfield District Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

FOR FURTHER INFORMATION CONTACT: Marth Witt, Public Affairs Officer, Bureau of Land Management, Bakersfield District, 800 Truxtun Avenue, Room 302, Bakersfield, CA 93301; (805) 861-4191.

Dated: May 4, 1983.

Robert D. Rheiner, Jr.,

District Manager.

[FR Doc. 83-12706 Filed 5-9-83; 11:05 am]

BILLING CODE 4310-84-M

National Park Service

Golden Gate National Recreation Area Advisory Commission; Hearing

Notice is hereby given in accordance with the Federal Advisory Committee Act that a hearing of the Golden Gate National Recreation Area Advisory Commission will be held at 7:30 p.m. (P.s.t.) on Wednesday, June 1, 1983, at Building 101, Fort Funston, San Francisco, 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, San Francisco, and San Mateo 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

The major agenda item for this hearing will be draft Land Protection Plan for Golden Gate National Recreation Area. The Commission will be receiving public testimony on the draft plan.

The hearing is open to the public. Any member of the public may file with the Commission a written statement concerning the matter to be discussed.

Persons wishing to receive further information on this hearing 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 hearing will be available for public infomation by July 11, 1983 in the Office of the Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, California 94123.

Dated: April 29, 1983.

John Cherry,

Acting Regional Director, Western Region.

[FR Doc. 83-12452 Filed 5-9-83; 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 29, 1983. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by May 25, 1983.

Carol D. Shull,

Chief of Registration, National Register.

CALIFORNIA

San Bernardino County

Newbury Springs vicinity, *Newberry Archaeological Site,*

CONNECTICUT

Middlesex County

Portland, *Indian Hill Avenue Historic District,* Main St. and Indian Hill Ave. to river

KENTUCKY

Calloway County

Murray, *Murray State University Historic Buildings, Addition: Main Library,* Murray State University campus

Christian County

Hopkinsville, *Freeman Chapel C.M.E. Church (Christian County MRA),* 137 S. Virginia St.

Franklin County

Frankfort, *Hume, E. E., Hall,* Kentucky State University Campus

Jefferson County

Louisville, *Board of Extension of the Methodist Episcopal Church, South (North Old Louisville MRA),* 1115 S. 4th St.
Louisville, *District #1 (North Old Louisville MRA),* S. Brook and E. Breckinridge St.
Louisville, *District #2 (North Old Louisville MRA),* W. Breckinridge St. and S. 2nd St.
Louisville, *Ewing, D. H., & Sons Creamery (North Old Louisville MRA),* 981 S. 3rd St.
Louisville, *Kentucky Street School (North Old Louisville MRA),* 119 E. Kentucky St.
Louisville, *Marvin, Dr. J. B., House (North Old Louisville MRA),* 809 S. 4th St.
Louisville, *Thierman Apartments (North Old Louisville MRA),* 416-420 W. Breckinridge St.

McCraken County

Paducah, *Anderson, Artelia, Hall,* 1400 H.C. Mathis Dr.

Montgomery County

Mount Sterling, *KEAS Tabernacle Christian Methodist Episcopal Church,* 101 S. Queen St.

Oldham County

Crestwood, *Clore, Albert E., House,* 6400 Clore Lane

MASSACHUSETTS

Bristol County

Rehoboth, *Allen, Elisha, House (Rehoboth MRA),* 108 Homestead Rd.
Rehoboth, *Anawam Club Clubhouse (Rehoboth MRA),* 13 Gorman St.
Rehoboth, *Anawam Club Cartaker's House (Rehoboth MRA),* 15 Gorman St.
Rehoboth, *Anawan Rock (Rehoboth MRA),* Anawan St.
Rehoboth, *Baker House (Rehoboth MRA),* 191 Hornbine Rd.
Rehoboth, *Bliss, Abiah, House (Rehoboth MRA),* 154 Agricultural Ave.
Rehoboth, *Bliss, Daniel, Homestead (Rehoboth MRA),* 76 Homestead Ave.
Rehoboth, *Bowen, Nathan, House (Rehoboth MRA),* 26 Kelton St.
Rehoboth, *Bramble Hill (Rehoboth MRA),* 32 Moulton St.
Rehoboth, *Briggs Tavern (Rehoboth MRA),* 2 Anawan St.
Rehoboth, *Brown House (Rehoboth MRA),* 384 Tremont St.
Rehoboth, *Carpenter Bridge (Rehoboth MRA),* Carpenter St.
Rehoboth, *Carpenter House (Rehoboth MRA),* 89 Carpenter St.
Rehoboth, *Carpenter, Christoper, House (Rehoboth MRA),* 60 Carpenter St.
Rehoboth, *Carpenter Col. Thomas, III, House (Rehoboth MRA),* 77 Bay State Rd.
Rehoboth, *Cushing House (Rehoboth MRA),* 186 Pine St.
Rehoboth, *Cushing, Caleb, Farm (Rehoboth MRA),* 188 Pine St.
Rehoboth, *Drown, Nathaniel, House (Rehoboth MRA),* 116 Summer St.
Rehoboth, *Elm Cottage/Blanding Farm (Rehoboth MRA),* 103 Broad St.
Rehoboth, *Goff Farm (Rehoboth MRA),* 158 Perryville Rd.
Rehoboth, *Goff Homestead (Rehoboth MRA),* 40 Maple Lane.
Rehoboth, *Hornbine Baptist Church (Rehoboth MRA),* 141 Hornbine Rd.
Rehoboth, *Hornbine School (Rehoboth MRA),* 144 Hornbine Rd.
Rehoboth, *Horton, Welcome, Farm (Rehoboth MRA),* 122 Martin St.
Rehoboth, *House at 197 Hornbine Road (Rehoboth MRA),* 197 Hornbine Rd.
Rehoboth, *House at 30 Kelton Street (Rehoboth MRA),* 30 Kelton St.
Rehoboth, *Ingalls-Wheeler-Horton Homestead Site (Rehoboth MRA),* 214 Chestnut St.
Rehoboth, *Kingsley House (Rehoboth MRA),* 96 Davis St.
Rehoboth, *Knapp, Seth, Jr., House (Rehoboth MRA),* 82 Water St.

Rehoboth, *Martin Farm (Rehoboth MRA)*, 121 Martin St.
Rehoboth, *Peck-Bowen House (Rehoboth MRA)*, 330 Fairview Ave.
Rehoboth, *Perry, James House (Rehoboth MRA)*, 121 Perryville Rd.
Rehoboth, *Pierce, Capt. Mial, Farm (Rehoboth MRA)*, 177 Hornbine Rd.
Rehoboth, *Rehoboth Village Historic District (Rehoboth MRA)*, Bay State Rd. and Locust Ave.
Rehoboth, *Viall, Samuel, House (Rehoboth MRA)*, 85 Carpenter St.
Rehoboth, *Wheller, Aaron, House (Rehoboth MRA)*, 371 Fairview Ave.
Rehoboth, *Wheller-Ingalls House (Rehoboth MRA)*, 51 Summer St.

MISSISSIPPI

Lincoln County

Brookhaven, *U.S. Post Office*, 201 W. Cherokee St.

NEBRASKA

Franklin County

Bloomington vicinity, *Lost Creek Archeological Site*,

NEW JERSEY

Bergen County

Dumont, *North Church*, 120 Washington Ave. and 191 Washington Ave.
Hackensack *Reformed Dutch Church and Green*, 42 Court St.

NEW YORK

New York County

New York, *Hatch, Barbara Rutherford, House* 153 E. 63rd St.
New York, *House at 17 West 16th Street*, 17 W. 16th St.
New York, *House at 203 Prince Street*, 203 Prince St.
New York, *Smith, Fleming, Warehouse*, 451–453 Washington St.

OHIO

Ross County

Hallsville vicinity, *Buchwalter House-Applethorpe Farm*, 292 Whissler Rd.

Sandusky County

Fremont, *Fabing, Frederick, House* 201 S. Park Ave.

Summit County

Akron, *Akron Post Office and Federal Building*, 168 E. Market St.

OKLAHOMA

Delaware County

Bassett Grove Ceremonial Grounds

TEXAS

Harris County

Houston, *Trinity Church*, 3404 S. Main St.

McLennan County

Waco, *Artesian Manufacturing and Bottling Company Building (Home of Dr. Pepper)*, 300 S. 5th St.

Nolan County

Sweetwater, *First National Bank Building*, 101 E. Third St.

Tarrant County

Fort Worth, *Sanquinet, Marshall R., House* 4729 Collinwood Ave.

UTAH

Weber County

Ogden, *Ogden High School (Ogden Art Deco Buildings TR)*, 2828 Harrison Blvd.
Ogden, *Ogden/Weber Municipal Building (Ogden Art Deco Buildings TR)*, 2541 Washington Blvd.
Ogden, *U.S. Forest Service Building (Ogden Art Deco Buildings TR)*, 507 25th St.

VERMONT

Caledonia County

Waterford, *Lee Farm*, SR 25

Chittenden County

Jericho, *Jericho Center Historic District*, Brown's Trace, Bolger Hill and Varney Rds.

WYOMING

Carbon County

Rawlins, *Wyoming State Penitentiary District*, 6th and Walnut Sts.

[FR Doc. 83-12453 Filed 5-9-83; 8:45 am]
BILLING CODE 4310-70-M

Bureau of Reclamation

Coordinated Operating Agreement for the Central Valley Project and the State Water Project in California; Intent To Prepare a Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior proposes to prepare, in coordination with the California State Department of Water Resources, a joint draft environmental statement-environmental impact report (DES–EIR) on the proposed Coordinating Operating Agreement for the Central Valley Project (CVP) and the State Water Project (SWP).

The purpose of the Federal CVP and the SWP is to manage water resources in California for the benefit of agricultural, industrial, municipal and other beneficial uses. To a large extent much of the project water from the Federal and State facilities in the Central Valley is transported in the same river or conveyance facility. Consequently, much of the water is intermingled.

Both the State and Federal Governments properly regard their project water as a valuable product of their planning and development efforts. Coordination of the CVP SWP operations is essential to assure that each project obtains its appropriate share of the water available especially since the water of one project is physically indistinguishable from that of the other. Close coordination of project operations is necessary to obtain the most effective use of project water. Also, coordination is necessary to make sure that each agency, State and Federal, bears an appropriate share of the obligations to protect the water-related environment.

The DES–EIR will identify all viable options to and the impacts which result from renegotiation of the present draft agreement between the State and Federal Governments for the coordinated operation of the CVP and the SWP.

Since 1979, formal negotiating sessions have been held which were open to the public. However, there will be one or more scoping sessions at which information will be solicited from all interested public entities and persons to assist in scoping the issues to be addressed and to identify other significant issues related to the proposed action. The time and place of this scoping session will be announced not later than 30 days after the publication of this notice.

For this DES–EIR, the contact person will be: Roderick M. Hall, Office of Environmental Quality, Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825, telephone (916) 484–4792.

Dated: May 4, 1983.

R. N. Broadbent,

Commissioner.

[FR Doc. 83-12455 Filed 5-9-83; 8:45 am]
BILLING CODE 4310-09-M

Office of the Secretary

Montana; Amendment of Wilderness Inventory Decisions

AGENCY: Office of the Secretary, Interior.

ACTION: Amendment of Wilderness Inventory Decisions.

SUMMARY: This notice designates 15 areas totaling 52,361 acres for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration of other forms of protective management. This notice also amends previous wilderness inventory decisions by the Bureau of Land Management for lands in Montana, deleting all or part of 5 wilderness study areas. The total area deleted from wilderness study area status under

Section 603 of the Act by this decision is 23,116 acres.

EFFECTIVE DATE: May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Montana State Director, Bureau of Land Management, 222 North 32nd Street, Post Office Box 30157, billings, Montana 59107, telephone (406) 657–6090.

Amendment of Wilderness Inventory Decisions

This notice completes the action necessary with respect to Bureau of Land Management wilderness study areas in Montana to bring the Bureau's wilderness review into compliance with recent decisions of the Interior Board of Land Appeals. Previous action on this subject was published in the **Federal Register** on December 30, 1982 (47 FR 58372).

Section 1. Consideration for Protective Management

The 15 areas listed in Table 1, totaling 52,361 acres, have been designated for wilderness consideration pursuant to Section 202 of the Federal Land Policy and Management Act of 1976 or for consideration for other forms of protective management. These areas were formerly identified as wilderness study areas under Section 603 of the Act. They were either deleted from that category on December 30, 1982, or they are being deleted by Sections 2 and 3 of this decision.

Section 2. Areas Under 5,000 Acres

The wilderness study areas listed in Table 2 are modified to delete roadless areas smaller than 5,000 acres, effective upon publication of this decision in the **Federal Register**. These roadless areas were improperly identified as parts of wilderness study areas under Section 603 of the Federal Land Policy and Management Act of 1976. Only the acreages listed in Table 2 as "acres deleted" are deleted from wilderness study; the remainder of the wilderness study area remains under wilderness study, and the deletions do not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining wilderness study area.

Section 3. Split-Estate Lands

A. "Split-estate" lands are lands where the Federal Government owns the surface but where the subsurface mineral estate is nonfederally owned. Split-estate lands were improperly identified for wilderness study under Section 603 of the Federal Land Policy and Management Act of 1976. That error is corrected by this decision.

B. With the deletion of split-estate lands from the wilderness study areas listed in Table 3, there are no roadless areas in these listed wilderness study areas having 5,000 acres or more of contiguous public lands: Therefore, the areas listed in Table 3 are deleted in their entirety from the status of wilderness study areas, effective upon publication of this decision in the **Federal Register**.

C. The boundary and acreage of the following wilderness study area is modified, effective upon publication of this decision in the **Federal Register**, to delete split-estate lands and an isolated tract of public land which is separated from the wilderness study area by the deleted split estate. This isolated tract no longer qualifies for wilderness study under section 603 because it is smaller than 5,000 acres. Only the indicated acreage is deleted from wilderness study. The remainder of the wilderness study area remains under wilderness study, and the boundary change does not affect the Bureau of Land Management's previously adopted conclusions as to the presence of wilderness characteristics in the remaining wilderness study area.

Wilderness Study Area Name: Terry Badlands
Number: MT–024–684
Old Wilderness Study Area Acreage: 43,450
Split Estate Acres Deleted: 215
Non-Split Estate Acres Deleted: 70
Revised Wilderness Study Area Acreage: 43,165
Counties: Prairie and Custer

Section 4. Management of Deleted Lands

All lands in Montana deleted from wilderness study status by this decision in Tables 2 and 3, in section 3(C) above, and by the decision issued on December 30, 1982, (47 FR 58372) and not designated for further wilderness consideration in Table 1 of this notice are hereby released from management restrictions to protect their wilderness suitability. Of these lands, 6,922 acres are being considered for designation as Areas of Critical Environmental Concern, Natural Areas, or Recreation Lands and will be managed to protect the identified natural or recreational values. The remaining 12,930 acres will be managed for the full range of multiple uses other than wilderness and in conformance with existing land use plans and regulations for those areas.

This is a final decision of the Department of the Interior and is not subject to appeal under 43 CFR Part 4.

May 3, 1983.

Garrey E. Carruthers,
Assistant Secretary.

TABLE 1.—AREAS BEING CONSIDERED FOR PROTECTIVE MANAGEMENT.

Area name	Number	Acreage	County	Category [1]
Billy Crek	MT–024–633	3,450	Garfield	Wilderness.
Seven Blackfoot:	MT–024–657			
Tract A		3,950	Garfield	Wilderness, ACEC, NA.
Tract B		4,850	Garfield	Do.
Antelope Creek	MT–065–266A	2,750	Phillips	Wilderness.
Burnt Timber Canyon	MT–067–205	3,955	Carbon	Do.
Big Horn Tackon	MT–067–207	4,550	Carbon	Do.
Stafford	MT–068–250	4,800	Blaine	Do.
Gallagher Creek	MT–074–1518	4,257	Powell	Wilderness, ACEC.
Quigg West	MT–074–155	520	Granite	Wilderness.
Bird Horse Creek	MT–075–102	4,927	Teton	Wilderness, ACEC, ONA.
Chute Mountain	MT–075–105	3,205	Teton	Do.
Deep Creel/Battle Creek	MT–075–106	3,066	Teton	Do.
North Fork Sun Rvere	MT–075–107	196	Teton	ACEC.
Beaver Meadows	MT–075–110	595	Lewis & Clark	Do.
Sleeping Giant	MT–075–111	6,131	Lewis & Clark	ACEC, NA, RL.
Farlin Creek	MT–076–034	*1,139*	Beaverhead	Wilderness.
Total (15 areas)		52,361		

[1] In this table the following abbreviations are used: Wilderness means wilderness consideration under Section 202 of the Federal Land Policy and Management Act of 1976; ACEC means consideration for areas of critical environmental concern; NA means consideration for natural areas; ONA means consideration for outstanding natural areas; and RL means consideration for recreation lands.

TABLE 2.—MODIFIED WILDERNESS STUDY AREAS—ROADLESS AREAS SMALLER THAN 5,000 ACRES DELETED.

Wilderness study area	Number	Old wilderness study area acreage	Acres deleted	Revised wilderness study area acreage	County
Seven Blackfoot	MT-024-657	20,250		11,450	Garfield.
Tract A			3,950		
Tract B			4,850		
Subtotal			8,800		
Antelope Creek	MT-065-266	12,350		9,600	Phillips.
Tract A			2,750		
Total (2 areas)			11,550		

TABLE 3.—ELIMINATED WILDERNESS STUDY AREAS—SMALLER THAN 5,000 ACRES AFTER DELETION OF SPLIT-ESTATE LANDS

Wilderness Study area name	Number	Acreage	County
Dog Creek South	MT-068-244	5,150	Fergus.
Sleeping Giant	MT-075-111	6,131	Lewis & Clark.
Total (2 areas)		11,281	

[FR Doc. 83-12343 Filed 5-9-83; 8:45 am]

BILLING CODE 4310-84-M

Privacy Act of 1974—Deletion of System of Records

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to delete a system of records notice from its inventory of records subject to the Act. The records system notice is titled: "Audit Files—Interior, Office of Inspector General–1" and was last published in the **Federal Register** on November 30, 1981 (46 FR 58200). The records maintained in the audit files of the Department's Office of Inspector General are not retrieved by the name of an individual or by any number, symbol, or other identifying particular assigned to an individual.

In conjunction with the foregoing deletion, the Office of Inspector General system of records notice titled "Management Information—Interior, Office of Inspector General–3," previously published in the **Federal Register** on November 30, 1981 (46 FR 58201), is re-numbered to become "Management Information-Interior, Office of Inspector General–1."

As provided in 5 U.S.C. 552a(e)(11), written comments on this proposal can 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 proposal shall become effective June 9, 1983 unless comments are received which would result in a contrary determination.

Dated: May 2, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

[FR Doc. 83-12411 Filed 5-9-83; 8:45 am]

BILLING CODE 4310-10-M

Transfer of Emergency Preparedness Functions

Notice is hereby given that the Secretary of the Interior, Secretary of Defense, and the Director, Federal Emergency Management Agency have signed an agreement providing for the transfer of certain emergency preparedness functions related to water.

The agreement, published in its entirety below, transfers all water and water resource responsibilities assigned to the Secretary of the Interior by Part 7 and related sections of Executive Order 11490, as amended, to the Secretary of Defense, acting through the Secretary of the Army. The effective date of the agreement is April 27, 1983.

Dated: May 3, 1983.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

Transfer Agreement of Responsibilities and Functions Assigned Under Executive Order 11490

Whereas, the President, by Executive Order 11490, October 28, 1969, as amended, has directed the Secretary of the Interior to prepare national emergency plans and develop preparedness programs for water as defined in the Order; and

Whereas, Section 3013 of the Order provides that any emergency function, or parts thereof, may be transferred from one department or agency to another with the consent of the heads of the organizations involved and with the concurrence of the Director, Federal Emergency Management Agency; and

Whereas, the Secretary of the Interior desires to transfer all water and water resource responsibilities and functions assigned to him by Part 7 and related sections of the Order, including but not limited to, sections 102(c), 401(28), 701(5), 702(6), 703(3), 804(4), 902(6), 1552(1), 2701(2), and 2701(4), to the Secretary of Defense, acting through the Secretary of the Army; and

Whereas, the Secretary of Defense will accept said responsibilities and functions and, acting through the Secretary of the Army, will implement, in the event of an emergency, all appropriate plans developed under the responsibilities and functions being transferred; and

Whereas, it is the agreement of the Secretaries of the Interior and Defense to subsequently support an amendment to Executive Order 11490 in consonance with this Transfer Agreement;

Now therefore, be it agreed that the transfer of the above stated responsibilities and functions is accomplished, effective 30 days following concurrence herewith by the Director, Federal Emergency Management Agency.

Dated: February 3, 1983.

James G. Watt,

Secretary of the Interior.

Dated: March 8, 1983.

Caspar W. Weinberger,

Secretary of Defense.

Dated: March 28, 1983.

Louis O. Giuffrida,

Director, Federal Emergency Management Agency.

[FR Doc. 83-12476 Filed 5-9-83; 8:45 am]

BILLING CODE 4310-10-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP1-164]

Motor Carriers; Decision-Notice

Finance Applications

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by 49 CFR 1182.1 of the Commission's Rules of Practice. See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1182.1. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1182.2(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questons involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decison is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

Agatha L. Mergenovich,

Secretary.

Please direct status inquires to Team 1, (202) 275-7992.

MC-F-15237, filed: April 13, 1983. DANIEL B. FRIEDMAN, Main Road, Dorrance, PA 18707, and MORTON FRANK, 58-60 Page Place, Maspeth, NY 11378—CONTINUANCE IN CONTROL—FRIEDMAN'S EXPRESS, INC. (Friedman's) P.O. Box 480, Wilkes-Barre, PA 18773; and KERI CORPORATION (Keri), 58-20 Borden Avenue, Maspeth, NY 11378. Representative: Maxwell A. Howell, 2554 Massachusetts Avenue, NW., Washington, DC 20008. Friedman's and Keri are controlled through majority stock ownership by Daniel B. Friedman and Morton Frank, as individuals, who, by this application, seek approval for continuance in control of Friedman's and Keri, upon the latter's institution of motor carriage operations. Friedman's has issued and outstanding 600 shares of common stock, of which Daniel B. Friedman owns 50 percent and Morton Frank owns 16 percent. Keri has not yet commenced operations; however, capital stock has been subscribed, of which Messrs. Friedman and Frank each own 50 percent. The controlling individuals are officers and directors of both companies. Friedman's is a motor carrier of property pursuant MC-60430 and sub-numbers thereunder, which has long been established under the "grandfather clause" of the Act. On February 23, 1983, the Commission issued an initial decision to Keri Corporation in MC-164060 authorizing the transportation of *general commodities*, with three exceptions, between points in 17 States and the District of Columbia, conditioned upon approval of the instant application.

Notes.—(1) This application is related to MC-164060. (2) No application for TA has been filed.

[FR Doc. 83-12399 Filed 5-9-83; 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.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-FC-165

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81412. By decision of May 3, 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 AUTOBUS LACHUTE, INC., Lachute, Quebec, Canada, of Certificate No. MC-119860 (Sub-No. 5), issued November 2, 1982, to RENFREW COUNTY BUS LINES, LTD., Renfrew, Ontario, Canada, authorizing the transportation of (1) passengers and their baggage in the same vehicle with passengers, in round-trip charter operations, (a) beginning and ending at ports of entry of the United States-Canada boundary line in MI and east thereof, and extending to Washington, DC, Alexandria and Mt. Vernon, VA, points in Arlington County, VA, and points in MD, PA, NY, RI, CT, MA, VT, ME, NH, MI and OH, and (b) beginning and ending at ports of entry on the United States-Canada boundary line in MI and those states east thereof, and extending to points in AL, AZ, AR, CA, CO, DE, FL, GA, ID, IL, IN, IA, KS, KY, LA, MN, MS, MO, MT, NE, NV, NJ, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WV, WA, WI, and WY, and (2) passengers and their baggage in the same vehicle with passengers, in round-trip sightseeing and pleasure tours, beginning and ending at ports of entry along the United States-Canada boundary line and extending to points in the U.S. (except AK and HI). Representative: Charles Ephraim, Suite 406, 918 16th St., NW. Washington, DC 20006.

For the following, please direct status calls to Team 2 at 202-275-7030.

Volume No. OP2-FC-208

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81383. By decision of May 3, 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 SNYDER BRIDGE COMPANY, Joplin, MO, of authority issued to FARTHING & WEIDMAN, INC., Joplin, MO, in Certificate No. MC-74623, issued March 10, 1971, authorizing the transportation of such commodities, which because of size or weight require the use of special equipment and machinery, between points in that part of Missouri, Kansas, and Oklahoma, within 100 miles of Joplin, MO, including Joplin. An application for temporary authority has been filed. Representative: James M. Zerkel, 3400 E. 20th St., Joplin, MO, 64801.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-MCFC-196

Decided: April 29, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC-FC-81408. By decision of April 29, 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 T. K. STANLEY, INC., of Waynesboro, MS, of Certificate No. MC-147185, issued July 2, 1982, to STEVE FARRAR, of Waynesboro, MS, authorizing the transportation of (1) *oil field equipment and supplies*, and (2) *pipe*, between points in AL, AR, FL, LA, and MS. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701.

Volume No. OP3-MCFC-197

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81300. By decision of April 29, 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 WALT'S DRIVE-A-WAY SERVICE, INC., of Evansville, IN, of Certificate No. MC-142315 and Subs 2F and 4, issued October 25, 1977, March 9, 1981, and August 3, 1981, respectively, to MEISLER CARTAGE INC., of Evansville, IN, authorizing (1) *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, in tank vehicles and in dump vehicles, and those requiring special equipment), between Evansville, IN, on the one hand, and, on the other, Albion, Grayville, and West Salem, IL, subject to the following conditions: (a) the operations authorized herein are restricted to the transportation of shipments having a prior or subsequent movement by rail, and (b) the authority granted herein shall be subject to the right of the Commission, which is hereby expressly reserved to impose such terms, conditions, or limitations in the future as it may find necessary in order to insure that carrier's operations shall conform to the provisions of Section 10930 (formerly Section 210) of the Act. (2) *general commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment), (a) between points in Sullivan, Greene, Monroe, Lawrence, Washington, Harrison, Crawford, Orange, Perry, Daviess, Martin, Dubois, Pike, Warrick, Spencer, Knox, Gibson, Vanderburgh, Posey, Floyd, and Clark Counties, IN, Clark, Coles, Cumberland, Effingham, Fayette, Marion, Jefferson, Franklin, Williamson, Johnson, Massac, Pope, Saline, Hamilton, Wayne, Clay, Jasper, Richland, Edwards, White, Gallatin, Hardin, Wabash, Lawrence, Crawford, Pulaski, Union, Jackson, and Perry Counties, IL, and Marshall, Trigg, Todd, Logan, Edmonson, Grayson, Breckinridge, Meade, Hancock, Ohio, Daviess, McLean, Hopkins, Muhlenberg, Butler, Christian, Webster, Henderson, Union, Crittenden, Caldwell, Livingston, Lyon, and McCracken Counties, KY, and (b) between Evansville, IN, and St. Louis, MO, restricted in both 2(a) and 2(b) above to the transportation of traffic having a prior or subsequent movement by rail, and (3) *rubber and plastic products*, between points in Posey County, IN, on the one hand, and, on the other, points in Vanderburg County, IN, and Williamson and St. Clair Counties, IL, restricted to traffic having a prior or subsequent movement by rail. Representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204.

MC-FC-81373. By decision of April 29, 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 Julia O. Bunch, d.b.a. JayBee Transportation Company, Rowlett, TX 75088, of Certificate No. MC-151505, issued February 1, 1982, to Ram Truck Lines, Inc., Mesquite, TX 75149, authorizing the irregular route transportation of *general commodities* (except classes A and B explosives), between the facilities of Acme Fast Freight, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S. Representative: Julia O. Bunch (Same address as applicant). (214) 475-1407.

For the following, please direct status calls to Team 4 at 202-275-7669.

Volume No. OP4-FC-268

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81426, filed April 26, 1983. By decision of May 2, 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 SERVICE LINES, INC., of Palmetto, GA, of Permit No. MC-158527, issued February 16, 1982, to HOWARD W TEAL, d.b.a.

TRANS STATE, INC., of East Point, GA, authorizing the transportation of *such merchandise* as is dealt in by retail, discount and department stores (except commodities in bulk and except foodstuffs), between points in Coweta County, GA, on the one hand, and, on he other, points in AL, FL, GA, MS, NC, SC, TN, and VA, under continuing contract(s) with K-Mark Corporation, of Newnan, GA. Transferee is a carrier holding authority under No. MC-157183. Representative: Howard W. Teal, P.O. Box 571, Palmetto, GA 30268, for both transferee and transferor. (404) 463-4531.

MC-FC-81371, filed April 6, 1983. By decision of April 29, 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 TRI-GAS & OIL CO., INC., of Federalsburg, MD, of Certificate No. MC-159557, issued April 29, 1982, to B. & M. TRANSPORTATION CO., INC., of Federalsburg, MD, authorizing the transportation of *containers, container ends and closures, and tin plates*, between points in NY, OH, IL, MA, RI, PA, MD, DE, VA, WV, NJ, NC, SC, GA, and FL. Representative: Robert E. Blades, Box 465 (Route 313 North), Federalsburg, MD 21632, (301) 744-8184.

For the following, please direct status calls to Team 5 at 202-275-7289.

Volume No. OP5-FC-208

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-78296. By decision of April 28, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 granted applicant's letter petition for reopening and approved the transfer to AIR TRANSPORT, INC., Boston, MA, of Permit No. MC-144745 Sub 1, issued July 24, 1980, to W & D EXPRESS, INC., Boston, MA, authorizing the transportation of (1) frozen bakery products and frozen onion rings, and (2) commodities otherwise exempt from economic regulation under 49 U.S.C. 10526(a)(6) (formerly section 203(b)(6) of the Interstate Commerce Act), when moving in mixed loads with the commodities in (1) above, from Boston, Gloucester, Lawrence, Wilmington, and Worcester, MA, to points in AL, IA, LA, MS, TN, VA, and DC, under continuing contract(s) with Boston Bonnie, Inc., and Boston Bonnie Bakers, Inc., both of Boston, MA. Representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell Street, Peabody, MA 01960.

MC-FC-81321. By decision of 4-26-83 issued under 49 U.S.C. 10101-10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the lease for a period of 1 year, to LARRY REVENAUGH, d.b.a., HANSEN TRANSFER, of Logan, IA, of the regular-route portion of Certificate No. MC-121589 Sub 12X issued July 28, 1982, and the underlying regular-route authority in Sub 2 issued May 1, 1979 to N & W TRANSFER, INC., of Nehawka, NE, authorizing the transportation of *general commodities* (except classes A and B explosives, and household goods), between Weeping Water, NE, on the one hand, and, on the other, Lincoln, Omaha, Auburn, and Louisville, NE, over a series of described regular routes, with described alternate regular-route services between Omaha, NE, on the one hand, and, on the other, Nebraska City and Lincoln, NE. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114.

MC-FC-81375. 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 3 approved the transfer to BESTWAY EXPEDITING, INC., Kalamazoo, MI, of Certificates Nos. MC-157159 and Subs 1 and 3, and Permit No. MC-157459 Sub 2, issued April 23, 1982, September 9, 1982, January 19, 1983, and Nomember 26, 1982, respectively, to LEWIS C. HOWARD, INC., Kalamazoo, MI, authorizing the transportation of general commodities, with exceptions, (a) between points in Kalamazoo County, MI, on the one hand, and, on the other, points in Elkhart County, IN; (b) between points in Kalamazoo County, MI, on the one hand, and, on the other, points in IN, IL, and OH; (c) between points in DE, GA, IL, IN, KS, KY, MD, MA, MI, MS, NJ, NY, OH, PA, OK, and WI; and (d) between points in the U.S. (except AK and HI), under continuing contract(s) with Clark Equipment Company, of Buchanan, MI. An application for temporary authority has been filed. Representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, MI 49301.

MC-FC-81397. By decision of April 28, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, Review Board Number 3 approved the transfer to SUFFOLK TRANSPORTATION CORPORATION, of Suffolk, VA of Certificate No. MC 151839 Subs 1F, 2, and 5, issued March 27, 1981, June 4, 1981, and August 13, 1982, respectively, and Permit No. MC 151839 Subs 3 and 4 both issued May 29, 1981, to C & S TURCKING, INC., authorizing the transportation of (1) *general commodities* (with exceptions), (a) between points in the Norfolk, VA commercial zone, (b) between Suffolk, Richmond, and Petersburg, VA, and (c) between Suffolk, VA, on the one hand, and, on the other, points in NC and MD, restricted in all above to traffic having a prior or subsequent movement by water or rail; (2) *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, GA, MD, NJ, NC, PA, SC, VA, WV, and DC; (3)(a) *pulp, paper, and related products*, (b) *rubber and plastic products*, (c) *chemicals and related products*, and (d) *building materials*, between points in the U.S., under continuing contract(s) with Union Camp Corporation, of Wayne, NJ; (4) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Goldschmidt Chemical Corporation, of Hopewell, VA; and (5) *furniture and fixtures*, between points in the U.S., under continuing contract(s) with Lewittes Furniture Enterprises, Inc., of Taylorsville, NC. Representative: Frank L. Willard, Suite #1001, First & Merchants Bank Bldg., Norfolk, VA 23510.

Volume No. OP5-FC-209

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC-FC-81303. By decision of April 27, 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 ZAVITZ BROTHERS LIMITED of Wainfleet, Ontario, Canada, of a portion of Certificate No. MC-142048 Sub 11 issued May 20, 1982 to FAST FOOD TRANSPORT, INC., of Buffalo, NY, authorizing the transportation of *food and related products*, between points in DE, ME, MD, MI, NH, RI, VT, VA, WV and DC. Representative: William J. Hirsch, 64 Niagara St., Buffalo, NY 14202, for transferee.

MC-FC-81392. By decision of April 27, 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 BILLIE R. CELLUM, Pharr, TX, of Certificate No. MC-143458 Sub 3, issued August 20, 1982, to CONTINENTAL CARRIERS, INC., Millbrook, AL, authorizing the transportation of animal hides from points in GA, TN, SC, FL, and AL, to points in CA. Representative: Dwight L. Koerber, Jr., 110 No. Second Street, P.O. Box 1320, Clearfield, PA 16830.

Volume No. OP5-FC-210

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC-FC-81304. By decision of April 29, 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 ROBINETTE & SON TRUCKING INC. of Franklin, IN, of Certificate No. MC 142299 (Sub-No. 3)x issued May 27, 1981 and its underlying authority in MC 142299 Sub 2 issued November 26, 1979 to TRUCK RAIL TRUCK SERVICE COMPANY, INC. of Greenwood, IN, authorizing the transportation of *general commodities*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN (except Columbus and Michigan City and their commercial zones), KY, MI (except the Upper Peninsula and Muskegon, Battle Creek, Benton Harbor and Watervliet and their commercial zones), and OH. Transferee presently holds authority under Certificate No. MC 152023 and Permit No. MC 151981. Representative: Jerry L. Robinette, 599 Earlywood Dr., Franklin, IN 46131.

[FR Doc. 83-12400 Filed 5-9-83; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; 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 in neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-162

Decided: April 29, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 143140 (Sub-7), filed April 25, 1983. Applicant: SEYMOUR CHARTER BUS LINES, INC., Route #3, Maynardville, TN 37807. Representative: Lewis S. Witherspoon, 2455 North Star Rd., Columbus, OH 43221, 1-(614) 486-0448.Transporting *Passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167591, filed April 25, 1983. Applicant: VALERIOTE BUS CO., INC., 1080 Broadway, Bayonne, NJ 07002. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123 (212) 239-4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167640, filed April 26, 1983. Applicant: HENRAY BUS COMPANY, INC., 1080 Broadway, Bayonne, NJ 07002. Representative: Ronald I. Shapss, 450 7th Ave., New York, NY 10123 (212) 239-4610. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-190

Decied: May 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams and Ewing.

MC 85205 (Sub-12), filed April 18, 1983. Applicant: SMITH TRANSPORTATION CO., 731 S. Lincoln St. Santa Maria, CA 93454. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306 (805) 872-1106. As a *broker* of *General commodities* (except household goods), between points in the U.S.

MC 160624 (sub-1), filed April 18, 1983. Applicant: WHITE PLAINS BUS CO., INC., 91 Fulton St., White Plains, NY 10606. Representative: Garrison R. Corwin, Jr. 100 Mamaroneck Ave., P.O. Box 370, Mamaroneck, NY 10543 (914)

698–2746.. Transporting *passengers*, in charter and special operation, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 162865, filed April 15, 1983. Applicant: DENNY BROADWAY d.b.a. BROADWAY TOURS, Sand Road Circle, Henderson, TN 38340. Representative: Robert N. Townsed, 121 Tennessee Ave. South, Parsons, TN 38363 (901) 847–3111. Transporting *passengers*, in special and charter operation, beginning and ending at points in TN, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167494, filed April 19, 1983. Applicant: DENIS RIORDAN & SONS, INC., 8525 Mallory Rd., Jacksonville, FL 32220. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202 (904) 632–2300. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167504, filed April 19, 1983. Applicant: JORDAN ENGINEERING AND CONSULTANTS, INC., 38500 Van Born Rd., Wayne, MI 48184. Representative: David E. Jerome, 436 N. Center St., Northville, MI 48167 (313) 348–4433. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 167525, filed April 19, 1983. Applicant: YELLOW AND BLUE TRACTION CORP. 179–09 146th Drive, Queens, NY 11434. Representative: Eugene Miller (same address as applicant) (212) 528–0163. Transporting *passengers*, in charter operations, beginning and ending at points in PA, NY, CT, MA, and NJ and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 167534, filed April 18, 1983. Applicant: LAWTON AIRPORT TRANSPORTATION CO., INC., 3302 S.W. 11th Street, Lawton, OK 73501. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154 (405) 424–3301. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167565, filed April 21, 1983. Applicant: VESTED TOURS SERVICE, INC., 8382 Frankstown Rd. Pittsburgh, PA 15221. Representative: Norman E. Williamson, Jr. (same address as applicant) (412) 371–0363. Transporting *passengers*, in special and charter operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

Volume No. OP3–192

Decided: May 2, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 1934 (Sub-55), filed April 15, 1983. Applicant: THE ARROW LINE, INC., 105 Cherry Street, P.O. Box 8807, East Hartford, CT 06108. Representative: Helen D. Smith (same address as applicant) (203) 289–1531. Over regular routes, transporting *passengers*, (1) between West Springfield, MA and Atlantic City, NJ, (a) from West Springfield, MA over Interstate Hwy 91 to junction Interstate Hwy 95, at New Haven, CT, then over Interstate Hwy 95 to junction New Jersey Garden State Parkway, at or near Woodbridge, NJ, then over New Jersey State Parkway to junction Atlantic City Expressway, then over Atlantic City Expressway and city streets to Atlantic City, NJ, and return over the same route, (b) from West Springfield, MA over Interstate Hwy 91 to junction Interstate Hwy 84, at Hartford, CT, then over Interstate Hwy 84 and city streets to East Hartford, CT, then over Interstate Hwy 84 to junction Interstate Hwy 684, at or near Brewster, NY, then over Interstate Hwy 684 to junction Interstate Hwy 287, at White Plains, NY, then over Interstate Hwy 287 to junction Interstate Hwy 87, at or near Elmsford, NY, then over Interstate Hwy 87 to junction Interstate Hwy 95, at New York, NY, then over Interstate Hwy 95 to junction New Jersey Garden State Parkway, at or near Woodbridge, NJ, then over New Jersey Garden State Parkway to junction Atlantic City Expressway, then over Atlantic City Expressway and city streets to Atlantic City, NJ and return over the same route, (c) from West Springfield, MA over Interstate Hwy 91 to junction Interstate Hwy 84, at Hartford, CT, then over Interstate Hwy 84 and city streets to East Hartford, CT, then over Interstate Hwy 84 to junction Connecticut Hwy 8, at or near Waterbury, CT, then over Connecticut Hwy 8 to junction Interstate Hwy 95, at or near Bridgeport, CT, then over Interstate Hwy 95 to junction New Jersey Garden State Parkway, at or near Woodbridge, NJ, then over New Jersey Garden State Parkway to junction Atlantic City Expressway, then over Atlantic City Expressway and city streets to Atlantic City, NJ, and return over the same route, (2) betweeni East Hartford, CT and Atantic City, NJ, from East Hartford, CT over Connecticut Hwy 2 to junction Connecticut Hwy 52, at or near Norwich, CT, then over Connecticut Hwy 52 to junction Connecticut Hwy 32, at or near Uncasville, CT, then over Connecticut Route 32 to junction Interstate Hwy 95, at or near New London, CT, then over Interstate Hwy 95 to junction New Jersey Garden State Parkway, at or near Woodbridge, NJ, then over New Jersey Garden State Parkway to junction Atlantic City Expressway, then over Atlantic City Expressway and city streets to Atlantic City, NJ, and return over the same route, serving all intermediate points in (1) and (2) above.

Note.—Applicant seeks to provide regular-route service only in interstate or foreign commerce.

MC 167445, filed April 15, 1983. Applicant: BARON TOURS COMPANY, INC., 54–17 Avenue L, Brooklyn, NY 11234. Representative: Larsh B. Mewhinney, 555 Madison Ave., New York, NY 10022 (212) 838–0600. Transporting *passengers*, in charter and special operations, between points in the U.S.

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167495, filed April 18, 1983. Applicant: TUNNEL LIMOUSINE CO., INC., 244 Woodbourne Rd., Langhorne, PA 19047. Representative: Theodore M. Ejdys (same address as applicant) (215) 757–7940. Transporting *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation.

For the following, please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–264

Decided: May 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 167597, filed April 25, 1983. Applicant: HARRY J. HEUER d.b.a. HEUER ENTERPRISES, 1920 Kingsboro Rd., Casper, WY 82604. Representative: Betty Lou Heuer (Same address as applicant) (307) 237–1188. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–267

Decided: May 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 167617, filed April 25, 1983. Applicant: 1549 BLACK HORSE PIKE, INC., T/A Exclusive Limousine, 1549 Black Horse Pike, Pleasantville, NJ 08232. Representative: Paul Krulish (Same address as applicant) (609) 641-3191.Transporting *passengers*, in special operations, beginning and ending at points in Atlantic County, NJ, and extending to points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special transportation.

MC 167646, filed April 26, 1983. Applicant: BLUE BIRD BUS RENTAL SYSTEM, INC., 2019 W. Virginia Ve., N.E., Washington, DC 20002. Representative: Dorothy L. Gary, 3015 Adams St., N.E. Washington, DC 20018 (202) 529-0329. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 167647, filed April 26, 1983. Applicant: TRANSIT ENTERPRISE SYSTEMS, INC., P.O. Box 5391, Fredericksburg, VA 22401. Representative: Robert R. Harris, 1730 M St., N.W., Suite 501, Washington, DC 20036 (202) 296-2900. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-12406 Filed 5-9-83; 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 Forwarders; water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)(E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations.

We make an additional preliminary finding with respect to each of the folowing types of applications as indicated; common carrier of property—that the services 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 absencnce 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 application involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

Please direct status inquiries to Team One at (202) 275-7992.

Volume No. OP1-161

Decided: April 29, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 68860 (Sub-56), filed April 25, 1983. Applicant: RUSSELL TRANSFER, INCORPORATED, 5259 Aviation Dr. NW., Roanoke, VA 24012. Representative: Liniel G. Gregory, Jr., (same address as applicant), (703) 366-2484. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 113751 (Sub-61), filed April 22, 1983. Applicant: HAROLD F. DUSHEK, INC., 10th & Columbia St., Waupaca, WI 54981. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 158810 (Sub-1), filed April 21, 1983. Applicant: CHICAGO & COASTAL MOTOR EXPRESS, INC., 6587 Beverly Drive, Parma Heights, OH 44130. Representative: Kenneth E. Norton (same address as applicant), (216) 942–1900. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 160951 (Sub-2), filed April 25, 1983. Applicant: A. M. EXPRESS, INC., 18603 Harrison St., Lowell, IN 46356. Representative: Robert W. Loser II, 512 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635–2339. Transporting *chemicals and related products, and metal products*, between points in IN, on the one hand, and, on the other, points in IL, MI, OH, and KY.

MC 167571, filed April 21, 1983. Applicant: RICHARD WOLDEN, d.b.a. RICHARD'S TRUCKING SERVICE, 7765 Ideal Ave., Cottage Grove, MN 55016. Representative: James E. Ballenthin, 1016 Comwed Tower, 444 Cedar St., St. Paul, MN 55101 (612) 277–7731. Transporting *food and related products*, between St. Louis, MO, Minneapolis, MN, Milwaukee, WI, and points in La Crosse County, WI, and points in St. Claire County, IL, on the one hand, and, on the other, points in IA and NE.

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–191

Decided: May 2, 1983.

By the Commission, Review Board No. 2, Member Carleton, Williams, and Ewing. (Member Carleton not participating.)

MC 113855 (Sub-546), filed April 15, 1983. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE, Rochester, MN 55903. Representative: Thomas J. Van Osdel, 15 Broadway–Suite 502, Fargo, ND 58102 (701) 235–4487). Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except HI), under a continuing contract(s) with The Trane Company of LaCrosse, WI and its subsidiaries.

MC 135924 (Sub-39), filed April 14, 1983. Applicant: SIMONS TRUCKING CO., INC., 3851 River Rd., Grand Rapids, MN 55744. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, (612) 542–1121. 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 (1) Tubular Steel, Inc., of Creve Coeur, MO, and (2) United Freight Dispatch, Inc., of Elkhart, IN.

MC 144484 (Sub-20), filed April 15, 1983. Applicant: FREIGHTWAYS, INC., Industrial Park Drive, P.O. Box 31, Eldon, MO 65026. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in KS, NE, IA, MO, IL, and AR, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150255 (Sub-13), filed April 13, 1983. Applicant: LEPRINO TRANSPORTATION COMPANY, 3740 Shoshone St., Denver, CO 80211. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 159855, filed April 15, 1983. Applicant: D M S CONSTRUCTION COMPANY, 100 Rogers Drive, Rome, GA 30161. Representative: Kim G. Meyer, P.O. Box 56282, Atlanta, GA 30303, (404) 523–1717. Transporting (1) *building materials*, between points in GA, FL, SC, NC, TN, KY, AL, MS, AR, TX and LA, on the one hand, and, on the other, points in the U.S. in and east of WI, IL, KY, TN, AR and TX, and (2) *steel and metal products*, between points in GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 164015 (Sub-1), filed April 15, 1983. Applicant: MIDWESTERN TANK LINES, INC., 715 E 3900 S—Ste 209, Salt Lake City, UT 84106. Representative: Thomas Shouse (same address as applicant), (801) 268–2380. Transporting *food and related products*, between points in the U.S. in and west of LA, AR, MO, IL and WI.

MC 164465 (Sub-1), filed April 15, 1983. Applicant: JOSEPH J. ZAPUTIL, JR., D/B/A JOE ZAPUTIL TRUCKING, Route 1, Box 1A, Mystic, IA 52574. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2339. Transporting (1) *lumber and wood products*, between points in MS and LA, on the one hand, and, on the other, Omaha, NE, and points in IA, and (2) *metal products*, between points in Appanoose County, IA, on the one hand, and, on the other, Wheeling, WV, and points in IN and PA.

Volume No. OP3–183

Decided: April 28, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 30144 (Sub-8), filed April 7, 1983. Applicant: GEORGE W. JEWETT & SON, INC., Rt. 5, Cornish, ME 04020. Representative: David R. Hastings II, 8 Portland St., Fryeburg, ME 04037, (207) 935–2061. Transporting (1) *petroleum products*, between points in the U.S., under continuing contract(s) with M. W. Sewall and Co. of Bath, ME, Republic Oil Company, Inc. of Willimantic, CT, Alkay Associates of Ellington, CT, J. E. Meintzer & Sons, Inc. of Easton, MD, Bill's Oil Service of Waterville, ME, W. H. Knightly & Co. of Norway, ME, James M. Howard & Son, Inc. of Laconia, NH, D. W. Small & Sons, Inc. of Ellsworth, ME, McKusick Petroleum Co. of Dover-Foxcroft, ME, C. N. Brown Company and Ripley & Fletcher Co. both of South Paris, ME, (2) *those commodities which because of their size or weight require the use of special handling or equipment*, between points in the U.S., under continuing contract(s) with Blue Rock Industries, Chadwick-BaRoss, Inc. and Aerial Lifts of N.E., Inc. all of Westbrook, ME, Bridge Construction Crop. of Augusta, ME, Jordan-Milton Machinery, Inc. of Concord, NH, Eastern Tractor & Equipment Co. of Portland, ME, C. F. I. Construction Co. of East Greenwich, RI, S. E. McMillan Co., Inc. of Bangor, ME and United Freightways, Inc. of East Baldwin, ME, (3) *plastic products*, between points in the U.S., under continuing contract(s) with Cyro Industries, Inc. of Sanford, ME, (4) *food and related products*, between points in the U.S., under continuing contract(s) with Abbott's Ice Cream, Inc. of Conway, NH, (5) *chemicals and related products*, between points in the U.S., under continuing contract(s) with Scott Paper Company of Westbrook, ME, Statler Tissue Company of Augusta, ME and Keyes Fibre Company of Waterville, ME and (6) *cement*, between points in the U.S., under continuing contract(s) with F. R. Carroll, Inc. of Limerick, ME, Dayton Sand & Gravel Co., Inc. of Dayton, ME, Burnham Bros., Inc. of Naples, ME and George R. Roberts, Inc. of Alfred, ME.

MC 114015 (Sub-40), filed March 28, 1983. Applicant: HUSS, INCORPORATED, Highway 47 W., P.O. Box 666, Chase City, VA 23924. Representative: Morton E. Kiel, Two World Trade Center, Suite 1832, New York, NY 10048, (212) 466–0220. 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). Condition: Applicant's permit under MC 114015, issued November 14, 1977, and (Sub 32F), issued March 13, 1981, (Sub 33), issued

March 16, 1981 (Sub 34), issued April 17, 1981, (Sub 35)X (and underlying Sub Nos. 4, 6, 7, 9, 10, 11, 13, 15, 16, 17, 18, 19, 20, 22, 24F, 25F, 28F, 29F, 30F, and 31F), issued June 3, 1981, (Sub 36), issued January 12, 1982, (Sub 37), issued March 5, 1982, (Sub 38), issued February 28, 1983, (Sub 39), issued March 16, 1983, and permits acquired in MC-F-14879 in No. MC 52614 and Subs 13, 14, 15X (and underlying Subs 5, 6, 7, 8, 9F, 10F, and 12F), and (Sub 16), published in the **Federal Register** on June 8, 1982, are revoked upon issuance of a certificate in this proceeding.

MC 119765 (Sub-103), filed April 11, 1983. Applicant: EIGHT WAY XPRESS, INC., 10855 W. Dodge Rd., Omaha, NE 68154. Representative: Floyd Foreman (same address as applicant), (712) 366-2588. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 123395 (Sub-2), filed April 7, 1983. Applicant: J. W. DOUGLASS CORP., 23 Tripp St., P.O. Box K, South Station, Fall River, MA 02724. Representative: Russell B. Curnett, 826 Orleans Rd., P.O. Box 996, Harwich, MA 02645-0996, (617) 432-0907. Transporting *highway construction materials, coal and coal products,* and *flyash,* between points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT.

MC 145904 (Sub-43), filed April 14, 1983. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424, (612) 927-8855. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 159174 (Sub-2), filed April 14, 1983. Applicant: KLC, INC., 2416 N. Marine Dr. No. 121, Portland, OR 97217. Representative: Vern Phillips (same address as applicant), (503) 286-6433. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 163455 filed April 14, 1983. Applicant: ALL TRUCK TRANSPORTATION CO., INC., 9010 S. Odell, Bridgeview, IL 60455. Representative: Dennis James Stolfo, 13 North LaSalle St., Suite 0227, Chicago, IL 60602, (312) 236-8481. Transporting (1) *pulp, paper and related products,* between points in Cook County, IL, on the one hand, and, on the other, points in IN, and (2) *metal products, containers,* and *chemicals and related products,* between points in IL, IN, MI, IA, WI, and MO.

MC 163964 (Sub-1), filed April 11, 1983. Applicant: EXPO DISPLAY SERVICE, INC., d/b/a WHEELS UNLIMITED, 16011 Commerce Way, Cerritos, CA 90701. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8107. Transporting (1) *transportation equipment,* (2) *machinery,* (3) *motor oil,* (4) *wearing apparel,* (5) *musical instruments,* (6) *sporting goods,* and (7) *materials, equipment and supplies* used in the assembly, display, and demonstration at trade shows, between points in CA, NV, AZ, UT, WA, OR, ID, MT, WY, CO, TX, OK, NM, NE, AR, KS, OH, IL, IN, WI, LA, KY, MN, MO, MI, PA, TN, NY, NJ, MA, MD, VA, GA, FL, and DC.

MC 166945, filed April 14, 1983. Applicant: KUNDLA WESTERN BEEF CO., INC., R.D. #5, Box 149, Moscow, PA 18444. Representative: Thomas J. Foley, Jr., Connell Bldg., Eighth Floor, Scranton, PA 18503, (717) 342-8194. Transporting *food and related products,* between those points in the U.S. in and east of KS, ND, NE, OK, SD, and TX.

MC 167344, filed April 12, 1983. Applicant: IVAN STUTZMAN & SON TRUCKING, INC., Cty. Rd. 626, P.O. Box 134, Berlin, OH 44610. epresentative: William A. Nearhood, 221 Church St., Ashland, OH 44805 (419) 289-1011. Transporting *meat, meat products, meat by-products and meat packing supplies,* betweeen points in the U.S. (except AK and HI), under continuing contract(s) with Sugardale Foods, Inc., of Canton, OH; Superior's Brand Meats, Inc., of Massillon, OH, Worthington Packing Company, or Worthington, IN, and G.B.D., Inc., of Warren, OH.

MC 167345, filed April 12, 1983. Applicant: CORPORATE 50+, Route 4 Box 16-A-1, Searcy, AR 72143. Representative: James R. Landis (same address as applicant), (501) 268-2790. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 167354, filed April 11, 1983. Applicant: A & J TRUCKING & WAREHOUSING, INC., 480 Herbst Manor, Corapolis, PA 15108. Representative: William A. Gray, 2310 Grant Bldg. Pittsburgh PA 15219, (412) 417-1800. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Allegheny, Washington, Westmoreland, Beaver, Butler and Armstrong Counties, PA, on the one hand, and, on the other, points in OH, WV, MD, NY and NJ.

MC 167375, filed April 11, 1983. Applicant: DONALD H. AMMON AND FLORENCE L. AMMON, d.b.a. D AND F ENTERPRISES, 1103 Sam Davis Rd., Smyrna, TN 37167. Representative: Donald H. Ammon (same address as applicant), (616) 459-9516. Transporting *transportation equipment,* between points in the U.S. (except AK and HI), under continuing contract(s) with Safety Service Co., of Nashville, TN.

MC 167414, filed April 14, 1983. Applicant: GRANTHAM DISTRIBUTING COMPANY, INC., 2685 Hansrob Rd., Orlando, FL 32804. Representative: Robert D. Clerk (same address as applicant), (305) 299-6557. Transporting (1) *food and related products, machinery, rubber and plastic products, metal products,* and *clay, concrete, glass or stone products,* (a) between points in FL, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) between points in Lyon County, NV, on the one hand, and, on the other, points in CA, TX, NY, and IL.

MC 167425, filed April 15, 1983. Applicant: RANDY C. BRAY, 583 Carter Dr., Grants Pass, OR 97526. Representative: Randy C. Bray (same address as applicant), (503) 476-8011 .Transporting *general commodities,* (except classes A and B explosives and household goods), between points in the U.S., under continuing contract(s) with R & R Truck Brokers, Inc., of Medford, OR.

MC 167444, filed April 15, 1983. Applicant: S. & G. LEYDIG TRUCK TRAILER LEASING, INC., RD 1, Box 577, Hyndman, PA 15545. Representative: Theodore F. Kohn, 4956 McAnulty Rd., Pittsburgh, PA 15236, (412) 881-0478. Transporting (1) *waste or scrap materials not identified by industry producing,* between points in the U.S. (except AK and HI), under continuing contract(s) with T. Clemente & Sons of New York, NY, Zunno Rag Corp. of Brooklyn, NY and Romerovski Bros., Inc. of Roselle Park, NJ and (2) *pulp, paper and related products,* betweens points in the U.S. (except AK and HI), under continuing contract(s) with Roselle Paper Co., Inc. of Roselle, NJ and Toronto Paperboard Co. of Toronto, OH.

Volume No. OP3-193

Decided: May 2, 1983.

By the Commission, Review Board No. 3 Members Krock, Joyce, and Dowell.

MC 150825 (Sub-3), filed April 18, 1983. Applicant: B & T MAIL SERVICE, INC., 19625 Lincoln Ave., New Berlin, WI 53151. Representative: Joseph E. Luden, 2707 South Ave., P.O. Box 1567, La Crosse, WI 54601, (608) 788–2000. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, OH, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, WI, and WY.

MC 161914, filed April 15, 1983. Applicant: NORMAN K. SPERRY, P.O. Box 308, Heber City, UT 84032. Representative: Norman Sperry (same address as applicant), (801) 654–4317. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Bakery Service, Inc., of Salt Lake City, UT.

MC 167465, filed April 18, 1983. Applicant: RAND R MEATS, INC., P.O. Box 118, Oregon, WI 53578. Representative: Charles E. Dye, Swan Lake Village, Saddle Ridge #832, Portage, WI 53901, (608) 742–3579. Transporting *food and related products*, between points in WI, on the one hand, and, on the other, points in CA, IL, IN, IA, FL, MI, MN, MO, NE, TX, and WI.

MC 167485, filed April 18, 1983. Applicant: BSI TRANSPORT, INC., 10362 Tanner Rd., Houston, TX 77041. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827–1407. Transporting (a) *metal products* and *chemicals and related products*, between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (b) *plastic products*, between points in the U.S. (except AK and HI).

MC 167505, filed April 19, 1983. Applicant: H. E. McKENZIE MOVING & STORAGE, INC., d.b.a. INDIAN TRAILS VAN LINES, 29701 Pierce St., Southfield, MI 48076. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Suite 1200, Washington, DC 20036, (202) 785–0024. Transporting *household goods*, between points in MI, on the one hand, and, on the other, points in NY, NJ, PA, MD, DE, VA, WV, OH, NC, SC, GA, FL, AL, MS, TN, KY, IN, MI, IL, WI, MN, IA, MO, AR, LA, TX, and DC.

For the folowing please direct status calls to Team 4 at 202–275–7669.

Volume No. OP4–265

Decided: May 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 68717 (Sub-3), filed January 28, 1983, noticed in the **Federal Register** issue of February 14, 1983, and republished this issue. Applicant: W. N. DAUL TRANSFER LINES, INC., 1521 Ellis St., Kewaunee, WI 54216. Representative: John L. Bruemmer, P.O. Box 927, Madison, WI 53710, (414) 435–1910. Transporting *general commodities* (except classes A and B explosives), between points in Brown, Calumet, Door, Kewaunee, Manitowoc, Outagamie and Sheboygan Counties, WI and Chicago, IL and Milwaukee, WI. Condition: Issuance of a certificate in this proceeding in subject to coincidental cancellation of Certificate No. MC–68717 Sub-No. 3, issued April 11, 1983.

Note.—The purpose of this republication is to correct the territorial description in this proceeding.

Volume No. OP4–263

Decided: May 2, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

FF 686, filed April 22, 1983. Applicant: ALAMODE TRANSPORTATION CORPORATION, 1225 Gardner Rd., Broadview, IL 60153. Representative: Maureen Beal (same address as applicant), (312) 450–2940. As a freight forwarder, in connection with the transportation of *household goods, unaccompanied baggage, and used automobiles*, between points in the U.S. (except VT).

MC 66567 (Sub-2), filed April 22, 1983. Applicant: BOB KILPATRICK MOVING & STORAGE, INC., 147 Walnut St., Northvale, NJ 07646. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland, Park, NJ 08904, (201) 572–5551. Transporting *machinery*, between points in the U.S. (except AK and HI), under continuing contract(s) with Austin Associates, of, Northvale, NJ.

MC 109426 (Sub-6), filed April 22, 1983. Applicant: McCOLLISTER'S MOVING & STORAGE, INC., 1800 Route 130 North, P.O. Box 9, Burlington, NJ 08016. Representative: James W. Patterson, 1800 Penn Mutual Tower, 510 Walnut St., Philadelphia, PA 19106, (215) 925–8300. Transporting *electronic equipment*, between points in the U.S. (except AK and HI), under continuing contract(s) with Honeywell, Inc., of Minneapolis, MN.

MC 129927 (Sub-8), filed April 25, 1983. Applicant: JAMERSON BROTHERS TRUCKING COMPANY, INC., Rt. 3, Box 75, Appomattox, VA 24522. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, (804) 282–3809. Transporting (1) *lumber and wood products*, (2) *furniture and fixtures, empty containers, trailers and chassis*, and (3) *iron and steel articles*, and *materials, equipment and supplies* used in the erection of iron and steel articles, between points in the U.S. (except AK and HI). Condition: Issuance of certificate in this proceeding is subject to concidental cancellation of the Permit in MC–129927 Sub 7X, issued March 4, 1982, and the underlying authority in Permits No. MC 129927 and Sub-Nos. 1 and 4, issued July 6, 1973, March 31, 1977, and October 21, 1981. This is a conversion application filed under 49 U.S.C. 10923(e).

MC 134806 (Sub-86), filed April 13, 1983. Applicant: B–D–R TRANSPORT, INC., P.O. Box 1277, Vernon Dr., Brattleboro, VT 05301. Representative: Edward T. Love, 4401 East West Highway, Suite 404, Bethesda, MD 20814, (301) 986–9030. Transporting (1) *maple syrup and syrup products*, under continuing contract(s) with American Maple Products Corp., of New Port, VT, (2) *metal products*, under continuing contract with Burt Equipment Company, Inc., of Westminster Station, VT, and (3) *spas*, under continuing contract(s) with Habitat, of South Deerfield, MA, between points in the U.S. (except AK and HI).

MC 140986 (Sub-23), filed April 22, 1983. Applicant: GREAT NORTHERN TRUCK LINES, INC., Love Lane, Netcong, NJ 07857. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572–5551. 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). Condition: Issuance of a Certificate in this proceeding is conditioned upon prior or coincidental cancellation, at applicant's written request of Permit Nos. MC–140986 Sub 1, issued August 22, 1977, Sub 3, issued July 19, 1978, Sub 7, issued May 18, 1979, Sub 8, issued March 8, 1979, Sub 9, issued May 27, 1981, Sub 12, issued August 29, 1980, Sub 14, issued October 28, 1980, Sub 15, issued May 14, 1981, Sub 16, issued August 24, 1981, Sub 17, issued July 15, 1981, Sub 18, issued August 14, 1981, Sub 19, issued April 6, 1982, Sub 20, issued May 17, 1982, and Sub 21, issued May 18, 1982.

Note.—Applicant seeks to convert contract to common carrier authority pursuant to 49 U.S.C. 10925(e).

MC 149177 (Sub-5), filed April 25, 1983. Applicant: FRANCIS POWELL ENTERPRISES, INC., 106 5th Ave., Grove Hill, AL 36451. Representative: John R. Frawley, Jr., Suite 200, 120 Summit Parkway, Birmingham, AL

35209, (205) 942–9116. Transporting *wood and wood products, and building materials*, between points in AR, FL, LA, TX, SC, AL, GA, and MS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 150826 (Sub-3), filed April 25, 1983. Applicant: FULTRAN, INC., 3000 Shermer Rd. Northbrook, IL 60062. Representative: Joel H. Steiner, 135 S. LaSalle St., Suite 2106, Chicago, IL 60603, (312) 235–9375. Transporting*general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 150886 (Sub-2), filed April 25, 1983. Applicant: KID GLOVE SERVICE, INC. 6060 E. Hanna St., Indianapolis, IN 46203. Representative: Norman R. Garvin, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204, (317) 638–1301. Transporting *general commodities* (except classes A and B explosives and commodities in bulk), between points in IN, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MO, OH, PA, TN, WV, and WI.

MC 166676, filed April 22, 1983. Applicant: "EXPO-TRANSPORTATION" & SERVICES, INC., 417 Pleasant Dr., Schaumburg, IL 60172. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, (312) 782–6880. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Chicago, IL and points in Kane and McHenry Counties, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI.)

MC 167426, filed April 13, 1983. Applicant: O. B. RIGSBY TRUCKING, INC., 3810 Lighfoot Mill Rd., Chattanooga, TN 37406. Representative: Roland M. Lowell, Fifth Floor, 501 Union St., Nashville, TN 37219, (615) 255–0540. Transporting *asphalt, ores and minerals, commodities in bulk, and waste or scrap materials*, between points in AL, FL, GA, KY, MS, SC, TN.

MC 167476, filed April 18, 1983. Applicant: THE K COMPANY, 1220 Licking Pike, Newport, KY 41072. Representative: Albert J. Lerner, 1400 Tri-State Bldg., Cincinnati, OH 45202, (513) 721–0947. Transporting *waste or scrap materials not identified by industry producing and metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with the David J. Joseph Company of Cincinnati, OH.

MC 167596, filed April 22, 1983. Applicant: ORA EDSEL DAVIS, d.b.a. DAVIS FARMS & TRUCKING, 5084 Peele Rd., Sabina, OH 45169. Representative: James M. Burtch, 100 E Broad St., Columbus, OH 43215, (614) 228–1541. Transporting *fertilizer and fertilizer ingredients*, between points in IN, KY and OH, on the one hand, and, on the other, points in IN, KY, MI NY, OH, PA and WV.

Volume No. OP4–266

Decided: May 3, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Carleton not participating.)

FF–687, filed April 26, 1983. Applicant: NOW FREIGHT INC., 1114 Rhodes Ct., Wheaton, IL 60187. Representative: Suzanne Margaret Mueller (same address as applicant), (312) 668–9154. As a *freight forwarder*, in connection with the transportation of *general commodities* (except classes A and B explosives), between points in the United States.

MC 153077 (Sub-4), filed April 26, 1983. Applicant: TOTAL TRANSPORTATION, INC., 1532 93rd Land NE, Minneapolis, MN 55434. Representative: Jack Schiller, 111–56 76th Dr., Forest Hills, NY 11375, (612) 780–4597. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 156517 (Sub-2), filed April 26, 1983. Applicant: GILLIAM TRUCKING, INC., Rural Route 31, P.O. Box 9, Terre Haute, IN 47803. Representative: Thomas M. O'Brien, 180 N. Michigan Ave., Suite 1700, Chicago, IL 60601, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 159597 (Sub-1), filed April 26, 1983. Applicant: ROY POWELL TRUCKING, INC., P.O. Box 872, 407 Kirk St., Lawrenceburg, Tn 38464. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790–2510. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Pulaski Rubber Company, Pulaski, TN.

MC 160276 (Sub-3), filed April 26, 1983. Applicant: BIGELOW TRANSPORTATION COMPANY, INC., P.O. Box 3089, Greenville, SC 29602. Representative: Billy T. Davis (same address as applicant), (803) 299–2381. 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 Ladd Furniture, Inc. of High Point, NC.

MC 164677, filed April 27, 1983. Applicant: BAILIN, INC., dba. CBR ENTERPRISES, INC., 122 S.E. 9th, Bend, OR 97701. Representative: Russell M. Allen, 1200 Jackson Tower, Portland, OR 97205, (503) 224–4840. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OR, WA, CA, AZ, and NV.

MC 165156, filed April 26, 1983. Applicant: B & J TRUCKING, INC., Rt. 1, Box 18C, Sheridan, AR 72150. Representative: Sam Ed Gibson, P.O. Box 211, Benton, AR 72015, (501) 778–7471. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between point in the U.S. (except AK and HI), under continuing contract(s) with IXL Manufacturing Co., Inc. d.b.a LaPierre Sawyer Handler Company of Sheridan, AR.

MC 165917, filed April 27, 1983. Applicant: B & H VAN LINES, INC., 524 Cooper St., Asheboro, NC 27203. Representative: Albert R. Byrd, Rt. 2, Box 351–A, Pleasant Garden, NC 27313, (919) 625–3776. Transporting *household goods*, between points in Randolph and Guilford Counties, NC, on the one hand, and, on the other, points in SC, GA, FL, AL, LA, AR, MS, TN, VA, WV, KY, OH, PA, NY, NJ, DE, MD, and MI.

MC 167626, filed April 26, 1983. Applicant: INTEGRATED DISTRIBUTION, INCORPORATED, One Century Dr., Parsippany, NJ 07054. Representative: Raymond L. Pucci (same address as applicant), (201) 540–7963. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with National Steel Corporation, of Pittsburgh, PA. and its subsidiaries.

MC 167636, filed April 26, 1983. Applicant: LORENZ TRUCKING, INC., 2706 New Albany Rd., Cinnaminson, NJ 08077. Representative: Edwin R. Jonas III, Suite 24, 807 Haddon Ave., Haddonfield, NJ 08033, (609) 428–4600. Transportation *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 Englewood Tire Co., of Englewood, NJ; Giles and Ransome Co., of Cornwells Heights, PA; Liss Bros., and Sol Seved and Sons, Inc., both of Philadelphia, PA.

MC 167657, filed April 27, 1983. Applicant: ROY BRYANT CATTLE COMPANY, 142 Kobcrest, Houston, TX 77060. Representative: Joe G. Fender, 9601 Katy Freeway, Suite 320, Houston, TX 77024, (713) 827-1407. Transporting *food and related products*, between points in KS, on the one hand, and, on the other, points in AR, LA, OK, TN and TX.

[FR Doc. 83-12407 Filed 5-9-83; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. OP1-163]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: April 28, 1983.

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, 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. 2, Members Carleton, Williams and Ewing.

Agatha L. Mergenovich,
Secretary.

Please direct status inquiries to Team 1, at (202) 275-7992.

MC 148561 (Sub-3)X, filed April 14, 1983. Applicant: BENETO, INC., P.O. Box 533, West Sacramento, CA 95691. Representative: Ronald C. Chauvel, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986-1414. Sub-No. 1 certificate: (1) remove restriction "except in bulk in tank vehicles", (2) broaden "petroleum oil and greases" to "petroleum and petroleum products", (3) broaden one-way authority to two-way radial authority, and (4) broaden Richmond, CA to Contra Cosa County, CA.

[FR Doc. 83-12398 Filed 5-9-83; 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 Handing 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).

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 office of the Interstate Commerce Commission during usual business hours.

By the Commission, Heber P. Hardy, Director, Office of Proceedings.

Agatha L. Mergenovich,
Secretary.

Volume No. OP3-MCF-198

[No. MC-F-15225]

Wetterau, Incorporated—continuance in control exemption—Foxtran, Inc., and Trans Continental Leasing, Ltd. Wetterau, Incorported seeks an exemption from the requirement under section 11343 of prior regulatory approval for its continuance in control of Trans Continental Leasing, Ltd. and Foxtran, Inc. Trans Continental is a wholly owned subsidiary of Wetterau, operating as a contract carrier in No. MC-145925. Foxtran, Inc. is a wholly owned subsidiary of Fox Grocery Co. operating as a common carrier in No. MC-151854. Wetterau acquired the capital stock of Fox while Foxtran's initial application for authority was pending. Subsequent to the acquisition, a certificate was issued to Foxtran. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission Washington, DC 20423, and (2) Petitioner's representative: Mr. George Williams Wetterau, Incorporated 8920 Pershall Road Hazelwood, MO 63042. Comments should refer to No. MC-F-15225.

MC-F-15236, Van de Hogen Cartage, Inc.—purchase exemption—Sawyer Transport, Inc., and Warsaw Trucking Co., Inc. (Nathan Yorke, trustee-in-Bankruptcy). Van De Hogen Cartage, Inc., (MC-164874) seeks an exemption from the requirement under 49 U.S.C. 11343 of prior approval of its purchase of the authorities issued to Sawyer Transport, Inc., in No. MC-123407 (Sub-Nos. 179, 199, 285, 314, 388, 470, 483, 566, 627, 645, and paragraphs 90, 99, 143, 157, 244, 254, 294, 314, and 326 of Sub-No. 668X), and the authorities issued to Warsaw Trucking Co., Inc., in No. MC-123294 (Sub-Nos. 10, 15, 24, 26, 42, 63, 85, and 46, paragraphs (4) (a) and (b), (6), (10)(a)(b)(c)(d) and (e), (13 (a) and (b), (15), (17), (20), (24), 29 (a) and (b), (39), (44), (59), and (42), of Sub-No. 91X and specified portions of its lead and Sub-No. 7 certificates superceded by Sub-No. 91X), which authorize, respectively, nationwide nonradial transportation of machinery and transportation of metal products between points in Illinois, Ohio, Michigan, Missouri, Iowa, and Kentucky, and radially between specified Ohio and Indiana counties, on the one hand, and, on the other, points in all, or portions of the United States, in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Van De Hogen also seeks temporary authority to lease the operating rights of Sawyer and Warsaw pending disposition of the petition of exemption. Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioners' representative; William J. Hirsch P. C., 64 Niagra Street, Buffalo, NY 14202, and Carl L. Steeiner, Esq., Axelrod, Goodman, Steiner & Bazelon, 135 S. LaSalle Street, Chicago, IL 60603. Comments should refer to No. MC-F-15236.

OP5-F-211

Decided: May 2, 1983.

[No. MC-F-15235]

The Mason and Dixon Tank Lines, Inc.,—purchase exemption—McNair Transport, Inc. The Mason and Dixon Tank Lines, Inc. (MC-61403) seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of McNair

Transp;ort, Inc. [MC–102567], specifically, McNair's Sub-No. 257 authorizing the transportation of commodities in bulk between points in the United States (except Alaska and Hawaii). Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Steven C. Rose, The Mason and Dixon Tank Lines, Inc., P.O. Box 969, Kingsport, TN 37662. Comments should refer to NO. MC–F–15235.

[FR Doc. 83–12397 Filed 5–9–83; 8:45 am]

BILLING CODE 7035–01–M

[Finance Docket No. 29518 (Sub-No. 1); Finance Docket No. 29518 (Sub-No. 5)]

Rail Carriers; Midwestern Rail Properties, Inc., Subsidiary of Chicago and North Western Transportation Company—Purchase (Portion)—Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) and Soo Line Railroad Company—Purchase (Portion)—Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)—Lines in Minnesota, Iowa and Missouri

Decided: May 3, 1983.

By motion filed April 29, 1983, Midwestern Railroad Properties, Incorporated (MRPI), and Chicago and North Western Transportation Company (C&NW) request that the inconsistent applications [1] filed by Soo Line Railroad Company (Soo) to acquire lines of Chicago, Rock Island and Pacific Railroad, Debtor (William M Gibbons, Trustee) (Rock Island) be rejected. In the alternative, MRPI and C&NW request that, if the applications are not rejected, 30 days be allowed from the date that Soo's applications are accepted for written comments in support or opposition. Soo filed a reply.

On April 1, 1983, an application filed by MRPI, a subsidiary of C&NW, to acquire certain Rock Island Lines was accepted for consideration. That decision also set a procedural schedule requiring statements in support, opposing or seeking other relief to be filed by April 26th. Reply statements are due on May 6, 1983.

On April 26, Soo filed applications to acquire the lines sought by MRPI and C&NW and certain other short line segments. On May 3, 1983, the Soo applications were accepted and the same procedural schedule for the MRPI and C&NW proposal was adopted.

[1] The motion to reject also encompasses Soo's supplemental acquisition application in Finance Docket N. 29518 (Sub-No. 4).

MRPI and C&NW's motion to reject will be treated as an appeal to that decision.

MRPI and C&NW argue that Soo's applications should be rejected because, unlike the application filed by MRPI and C&NW, Soo's applications have not been approved by the bankruptcy court overseeing the sale of the Rock Island estate. MRPI and C&NW contend that sale by a debtor of a line of railroad can occur only upon approval of the bankruptcy judge and must be initiated upon petition to the court. MRPI and C&NW further argue that the Commission has no jurisdiction to consider eiher a proposal by Soo rejected by the bankruptcy court or a supplemental proposal by Soo never presented to the court.

We reject MRPI's and C&NW's arguments. There is no question that the sale of a rail line of a bankrupt carrier must be approved by the bankruptcy court. However, the Commission has, on other occasions, considered competing applications for lines where only one proposal had *preliminary* approval of the court. The Commission's mandate under section 17(b) of the Milwaukee Railroad Restructuring Act (49 U.S.C. 915) is to recommend to the court whether the proposal is in the public interest. The Commission has the power to approve, modify, condition or disapprove a proposal.

The Commission's reasoning has always been that this broad mandate requires that another proposal, which may be a better proposal than the one referred by the court, not be foreclosed. In *Continental Group, Inc.—Pur.—Chicago, R.I.& P.R. CO.*, 363 I.C.C. 822 (1980), the Commission considered five applications, only three of which had an agreement with the trustee or preliminary court approval. [2] Again in *St. Louis S. W. Ry.—Pur.—Rock Island (Tucumcari)*, 363 I.C.C. 319 (1980), the Commission considered the inconsistent application filed by Missouri Pacific Railroad Company (Finance Docket No. 29828) without preliminary court approval. [3]

Further, the argument by MRPI and C&NW that the bankruptcy court precluded consideration of Soo's application by referring only MRPI's application is without merit. Soo's supplemental application in Sub-No. 4, when coupled with its Sub-No. 5 application, presents a new proposal not yet reviewed by the court, and, incidentally, not specifically rejected. Just as in the *Tucumcari* case, here the Commission is free to consider Soo's new proposal prior to its submission to the bankruptcy court. Indeed, our procedural schedule in this proceeding provided for pleadings "seeking other relief". Accordingly, the appeal to the decision accepting Soo's application is denied.

MRPI and C&NW request, in the alternative, that they be allowed 30 days from the acceptance of Soo's applications for filing of written comments in support of or in opposition to Soo's proposal. Soo suggests a 10-day extension. Inasmuch as the bankruptcy court has allowed only until June 20, 1983, to reach a final decision, 30 days for comment cannot be allowed. However, the procedural schedule will be altered to allow comments to be filed by May 23, 1983, and responses to those comments by June 2. 1983.

It is ordered:

1. The appeal filed by MRPI and C&NW seeking rejection of Soo's application is denied.

2. The alternative request by MRPI and C&NW to allow 30 days for comments on Soo's applications is granted to the extent that the deadline for filing written comments in support of or in opposition to Soo's applications is extended to May 23, 1983, and the deadline for filing responses to those comments is extended to June 2, 1983.

3. This decision is effective on May 5, 1983.

By the Commission, Reese H. Taylor, Jr., Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–12405 Filed 5–9–83; 8:45 am]

BILLING CODE 7035–01–M

[2] North-South Development Corporation (Finance Docket No. 29476) and Arkansas Transportation Commission and Oklahoma Department of Transportation (Finance Docket No. 29480) had neither and agreement with the trustee nor preliminary court approval.

[3] Also see *Burlington Northern, Inc.—Pur.—Chicago, M., St. P.*, 363 I.C.C. 298 (1980) where four competing applications were considered, but only two had received preliminary court approval.

[AB 14 SDM]

Rail Carriers; Northwestern Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Northwestern Pacific Railroad Company has filed with Commission its amended color-coded system diagram map in docket No. AB 14 SDM. The Commission on April 28, 1983, received a certificate of publication as required by said regulation which is considered the

effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 14 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-12403 Filed 5-9-83; 8:45 am]

BILLING CODE 7035-01-M

[AB 39 SDM]

Rail Carriers; St. Louis Southwestern Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the St. Louis Southwestern Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 39 SDM. The Commission on April 25, 1983, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map also be requested from the railroad at a norminal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 39 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-12404 Filed 5-9-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388 (Sub-21)]

Rail Carriers; State Intrastate Rail Rate Authority; New Jersey

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing.

SUMMARY: In the **Federal Register** notice of January 27, 1983, (48 FR 3892), the date comments were due in this proceeding was March 14, 1983. This date was subsequently extended to April 13, 1983, by order served March 18, 1983. At the request of the Office of Regulatory Affairs of the State of New Jersey, the date has been postponed another 30 days to May 13, 1983.

DATES: Revised standards and procedures are due May 13, 1983. Comments of interested parties on the submission are due June 13, 1983, and shall be served on the State. New Jersey may file a reply by July 5, 1983, and shall serve the reply on all interested parties.

ADDRESS: Send an original and, if possible, 15 copies of all comments to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: May 3, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-12395 Filed 5-9-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388]

Rail Carriers; State Intrastate Rail Authority

AGENCY: Interstate Commerce Commission.

ACTION: Pursuant to a request by the Railroad Commission of Texas, it has been decided that states may reply to comments on their plans in these proceedings. The replies by the states shall be served on the interested parties. Certifications of service shall be filed with the Commission.

DATES: Interested parties that have already filed comments in a state certification proceeding shall serve their comments on the affected state by [5 days after service]. Except for those states delineated below, a state may file a reply by [25 days after service], and shall serve its reply on all interested parties.

With respect to Alabama, Colorado, Michigan, New Hampshire, New Jersey, Ohio, and Oregon certification proceedings, the comment period expires June 13, 1983. Interested parties, that seek to participate in any of these certification proceedings, shall serve their comments on the affected state. The pertinent state may file a reply by July 5, 1983, and shall serve the reply on all interested parties.

ADDRESS: Send certificates of service to: Rail Section, Room 5344, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T. S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. metropolitan area) or toll free (800) 424-5403.

By the Commission, Reese H. Taylor, Jr., Chairman.

Dated: May 3, 1983.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-12396 Filed 5-9-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Revised Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 4, 1983, a proposed Revised Consent Decree in *United States of America* v. *National Steel Corporation*, Civil No. 81-00005-W(H), was lodged with the United States District Court for the Northern District of West Virginia.

The Revised Consent Decree replaces in its entirety the Consent Decree between the United States of America, State of West Virginia and National Steel Corporation applicable to National's Weirton Steel Division plant in Weirton, West Virginia, entered in the United States District Court for the Northern District of West Virginia on July 17, 1981. It represents settlement of the claims of the United States and the State of West Virginia for stipulated penalty amounts and other penalties as a result of National's violation of the July 17, 1981 Consent Decree and reflects the alternative emission control program required as a result of the plan revision (bubble) approved by the Administrator, EPA, and published in the **Federal Register** on December 9, 1982 (47 FR 55393), at the blast furnaces, basic oxygen furnace and sinter cooler. Under the Revised Consent Decree National Steel Corporation agrees to pay a civil penalty of $3.5 million for its past violations and to post a bond in the sum of $1.87 million to insure control of the sinter plant prior to any resumption of operation.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments related to the proposed Revised Consent Decree. Comments should be addressed to the Assistant

Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States of America* v. *National Steel Corporation*, D.J. Ref. No. 90-5-2-1-318.

The proposed consent decree may be examined at the Office of the United States Attorney, Post Office Box 591, Wheeling, West Virginia 26003, at the Region III Office of the Environmental Protection Agency, Enforcement Division, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, Tenth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice. In requesting a copy, please enclose a check in the amount of $3.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-12478 Filed 5-9-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Final Judgment (On Consent) in Action To Enforce the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on April 26, 1983, a proposed final judgment (on consent) in *United States* v. *Quick Roll Leaf Manufacturing Company*, Civil Action No. 83-0349, was lodged with the United States District Court for the Eastern District of New York.

The proposed final judgment (on consent) enjoins defendant to comply with the volatile organic compounds standards of the New York State Clean Air Act Implementation Plan ("SIP"), establishes a schedule for the construction of pollution control equipment that will ensure defendant's compliance with the SIP, and requires defendant to pay a civil penalty of $11,000.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice written comments relating to the proposed final judgment (on consent). Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Quick Roll Leaf Manufacturing Company*, DOJ No. 90-5-2-1-566.

A copy of the proposed final judgment (on consent) may be examined at the offices of the United States Attorney, Eastern District of New York U.S. Courthouse, 225 Cadman Plaza East, Brookland, New York 11202; the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed final judgment (on consent) may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-12479 Filed 5-9-83; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

National Institute of Justice Advisory Board; Meeting

Notice is hereby given that the National Institute of Justice Advisory Board will hold its meeting on May 19, 1983 from 9:00 a.m. to 6:00 p.m.; on May 20, 1983 from 9:00 a.m. to 6:00 p.m.; and on May 21, 1873 from 9:00 a.m. to 1:00 p.m. at the Hyatt on Sunset, 8401 Sunset Boulevard, Hollywood, California.

On May 19, 1983 from 1:00 p.m. to 6:00 p.m. and on May 20, 1983 from 9:00 a.m. to 1:00 P.m. the Advisory Board will conduct public hearings on the Costs of the Fear of Crime. Community and business representatives, criminal justice practitioners and state and local officials will present testimony on the social and economic costs arising from the fear of crime. The hearings will be conducted in Room 8544, Federal Building, 300 N. Los Angeles Street, Los Angeles, California. During the remaining sessions on May 19-21, the Advisory Board will conduct its regular business at the Hyatt on Sunset Hotel. Main items on the agenda will inlcude an update of National Institute program activities, a review of the FY 85 budget, a discussion of research recommendations in the adjudication area and reports for the Advisory Board subcommittees.

The meeting is open to the public. For further information please contact Betty M. Chemers, National Institute of Justice, U.S. Department of Justice (202-724-2953).

Dated April 26, 1983.

James K. Stewart,

Director.

[FR Doc. 83-12480 Filed 5-9-83; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance; Picoma Industries et al.

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 25, 1983-April 29, 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-13,859; Picoma Industries, Picoma Products Plant, Martins Ferry, OH

TA-W-13,860; Picoma Industries, Pattons Run Plant, Martins Ferry, OH

TA-W-13,810; Prestolite Co., Jackson, KY

TA-W-14,211; Edgcomb Metals, Philadelphia, PA

TA-W-13,797; McGill Manufacturing Co., Inc., Valparaiso, IN

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-13,809; Pioneer Video, Inc., Carson, CA

TA-W-13,841; Pacific Columbia Mills, Olympia Plant, Columbia, SC

TA-W-13,820; General Motors Corp., General Motors Assembly Div., Tarrytown, NY

TA-W-13,993; Babcock & Wilcox Co., Canton, OH

TA-W-13,903; Mississippi Lime Co., Peerless Div. and Peerless Rotary, Genevieve, MO

In the following cases the investigation revealed that criterion (3) has not been met for the reasons specified.

TA-W-13,802; Phillips Fibers Corp., Spartanburg, SC

Aggregate U.S. imports of all yarns did not increase as required for certification.

TA-W-13,819; General Motors Corp., General Motors Assembly Div., Lakewood, GA

Aggregate U.S. imports of subcompact automobiles did not increase as required for certification.

TA-W-13,944; Giberson Co., Brunswick, NJ

The worker's firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

Affirmative Determinations

TA-W-13,785; Jane Ann Fashions, Coaldale, PA

A certification was issued covering all workers separated on or after September 10, 1981.

TA-W-13,850; Conmold, Inc., Latrobe, PA

A certification was issued in response to a petition received on October 13, 1982 covering all workers separated on or after October 1, 1981 and before December 31, 1982.

TA-W-13,824; Goodyear Tire & Rubber Co., Shoe Products Div., Windsor, VT

A certification was issued in response to a petition received on September 24, 1982 covering all workers separated on or after September 21, 1981.

TA-W-13,855; Siberline Manufacturing Co., Inc., Lansford, PA

A certification was issued in response to a petition received on October 8, 1982 covering all workers separated on or before October 4, 1981.

TA-W-13,891; Ingersoll-Rand Co., Type 30 Small Compressor Div., Painted Post, NY

A certification was issued in response to a petition received on October 25, 1981 covering all workers separated on or before October 18, 1981.

TA-W-13,647; Kaiser Steel Corp., Fabricated Products Groups, Napa, CA

A certification was issued in response to a petition received on July 8, 1982 covering all workers separated on or before August 1, 1981.

TA-W-13,803; Xerox Corp., Reprographics Group, Webster, NY

A certification was issued covering all workers of Reprographics Group engaged in employment related to the production of low and mid volume photocopy machines at the firm separated on or after January 1, 1982.

TA-W-13,620; Wheeling-Pittsburgh Steel Corp., Steubenville, Facility, Follansbee, WV

A certification was issued covering all workers separated on or after June 21, 1981.

TA-W-13,814; American Stamping Co., Euclid, OH

A certification was issued covering all workers separated on or after September 17, 1981.

TA-W-13,621; Wheeling-Pittsburgh Steel Corp., Steubenville Facility, Steubenville, OH

A certification was issued covering all workers separated on or after June 21, 1981.

TA-W-13,619; Wheeling-Pittsburgh Steel Corp., Steubenville Facility, Mingo Junction ,OH

A certification was issued covering all workers separated on or after June 21, 1981.

TA-W-13,908; U.S. Steel Corp., Great Lakes Fleet, Inc., Duluth, MN

A certification was issued in response to a petition received on October 25, 1982 covering all workers separated on or after September 30, 1981.

TA-W-13,930; U.S. Steel Corp., Inc., Western Mining District, Wellington, UT

A certification was issued in response to a petition received on November 1, 1982 covering all workers separated on or after September 26, 1981.

TA-W-13,931; U.S. Steel Mining Corp., Inc., Western Mining District, East Carbon City, UT

A certification was issued in response to a petition received on November 1, 1982 covering all workers separated on or after September 26, 1981.

I hereby certify that the aforementioned determinations were issued during the period April 25, 1983–April 29, 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: May 3, 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 83-12509 Filed 5-9-83; 8:45 am]

BILLING CODE 4510-30-M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; B. F. Walker Inc., et al.

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 20, 1983.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 20, 1983.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 29th day of April 1983.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
B.F. Walker, Inc. (workers)	Pueblo, CO	4/19/83	4/14/83	TA-W-14,603	Haul (truck) oilfield pipes and equipment.
Currier Piano Co., Inc. (workers)	Marion, NC	4/21/83	4/15/83	TA-W-14,604	Upright pianos.
Del Truck Equipment, Inc. (IAMAW)	Buffalo, NY	4/22/83	4/19/83	TA-W-14,605	Aluminum bodies, install fiber glass bodies for vans.
Gilmore Steel Corp., Oregon Steel Mills Div. (USWA)	Portland, OR	4/21/83	4/18/83	TA-W-14,606	Plate steel and special carbon plate.
Jim Walter Resources, Inc., CIC Div. (USWA)	Birmingham, AL	4/19/83	4/18/83	TA-W-14,607	Coke, chemicals, pig iron and mineral wool.
Jones & Laughlin Steel Corp. (USWA)	Detroit, MI	4/25/83	4/19/83	TA-W-14,608	Stainless steel sheet and strip finishing mill.
Metallurgical, Inc. (workers)	Cleveland, OH	4/26/83	4/15/83	TA-W/14,609	Alloy briquettes.
Peter Cooper Corp. (UE)	Oak Creek, WI	4/26/83	4/20/83	TA-W-14,610	Animal glue.
Vesta Mining Co. & LaBella (workers)	McMurray, PA	4/22/83	4/19/83	TA-W-14,611	Coal mining.
Wright & McGill Co. (company)	Denver, CO	4/25/83	4/20/83	TA-W-14,612	Fiber glass and graphite fishing rods.
Wright & McGill Co. (company)	Aurora, CO	4/25/83	4/20/83	TA-W-14,613	Fiberglass and graphite fishing rods.
Canon Coal Company (UMWA)	Clarksville, PA	4/26/83	4/20/83	TA-W-14,614	Coal mining.
DME Company (workers)	Darlington, PA	4/28/83	4/19/83	TA-W-14,615	Mold bases for plastic parts
Superior Drawn Steel Co (USWA)	Monaca, PA	4/26/83	4/26/83	TA-W-14,616	Carbon and law alloy steel bars and shapes.
Teledyne-Pittsburgh Tool Steel (USWA)	Monaca, PA	4/28/83	4/26/83	TA-W-14,617	Alloy tool steel and shapes.
U.S. Steel Mining Co., Inc., Mt. Braddock (UMWA)	Fayette Co., PA	4/26/83	4/20/83	TA-W-14,618	Coal mining.
U.S. Steel Mining Co., Inc., Dilworth Mine (UMWA)	Greene Co., PA	4/26/83	4/20/83	TA-W-14,619	Coal mining.
U.S. Steel Mining Co., Inc., Robena Mine & Prep. Plant (UMWA).	Greene Co., PA	4/26/83	4/20/83	TA-W-14,620	Coal mining and cleaning.
Ampco-Pittsburgh Corp., Colona Thread Protectors Div. (USWA).	Monaca, PA	4/29/83	4/26/83	TA-W-14,621	Tread protectors for oil drilling pipes.
B.J. Hughes Services Equipment Co. (workers)	Long Beach, CA	4/19/83	4/6/83	TA-W-14,622	Oil field equipment.

[FR Doc. 83-12510 Filed 5-9-83; 8:45 am]
BILLING CODE 4510-30-M

Labor Surplus Area Classifications Under Executive Orders 12073 and 10582; Additions To Annual List of Labor Surplus Areas

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

DATE: The Additions to the annual list are effective on May 1, 1983.

SUMMARY: The purpose of this notice is to announce additions to the annual list of labor surplus areas.

FOR FURTHER INFORMATION CONTACT: James W. Higgins, United States Employment Service (Attention: TEEPA) 601 D Street, NW., Washington, D.C. 20213. Telephone: 202-376-6700.

SUPPLEMENTARY INFORMATION: Executive Order 12073 requires executive agencies to emphasize procurment set-asides in labor surplus areas. The Secretary of Labor is responsible under that Order for classifying and designating areas as labor surplus areas.

Under Executive Order 10582 executive agencies may reject bids or offers of foreign materials in favor of the lowest offer by a domestic supplier, provided that the domestic supplier undertakes to produce substantially all of the materials in areas of substantial unemployment as defined by the Secretary of Labor. The preference given to domestic suppliers under Executive Order 10582 has been modified by Executive Order 12260. Federal Procurement Regulations Temporary Regulation 57 (41 CFR Chapter 1, Appendix), issued by the General Services Administration on January 15, 1981 (46 FR 3519), implements Executive Order 12260. Exeucitve agencies should refer to Temporary Regulation 57 in procurements involving foreign businesses or products in order to assess its impact on the particular procurements.

The Department of Labor's regulations implementing Executive Orders 12073 and 10582 are set forth at 20 CFR Part 654, Subparts A and B. Subpart A requires the Assistant Secretary of Labor to classify jurisdictions as labor surplus areas pursuant to the criteria specified in the regulations and to publish annually a list of labor surplus areas. Pursuant to those regulations the Assistant Secretary of Labor published the annual list of labor surplus areas on June 4, 1982 (47 FR 24474).

Subpart B of Part 654 states that an area of substantial unemployment for purposes of Executive Order 10582 is any area classified as a labor surplus area under Subpart A. Thus, labor surplus areas under Executive Order 12073 are also areas of substantial unemployment under Executive Order 10582.

The areas described below have been classified by the Assistant Secretary of Labor as labor surplus areas pursuant to 20 CFR 654.5(c) (1982 ed.) and are added to the annual list of labor surplus areas, effective May 1, 1983. The following additions to the annual list of labor surplus areas are published for the use of all Federal agencies in directing procurement activities and locating new plants or facilities.

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

Albert Angrisani,

Assistant Secretary of Labor.

ADDITIONS TO THE ANNUAL LIST OF LABOR SURPLUS AREAS

[May 1, 1983]

Labor surplus area	Civil jurisdiction included
Minnesota: Duluth City	Duluth City in St. Louis County.
North Carolina: Montgomery County.	Montgomery County
Oklahoma: Balance of Tulsa County.	Tulsa County less Tulsa City

[FR Doc. 83-12508 Filed 5-9-83; 8:45 am]
BILLING CODE 4510-30-M

Office of Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to Section 512 of the Employee Retirement Income Securtiy Act of 1974 (ERISA) 29 U.S.C. 1142, a meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, June 14, 1983, in the Labor Auditorium, located in the Great Hall, U.S. Department of

Labor Building, Third and Constitution Avenue, NW., Washington D.C.

The purpose of the meeting is to present a forum on the subject of Social Investment of Employee Benefit Fund Assets. It will consist of a morning session beginning at 9:30, at which invited guests will present their viewpoints, followed in the afternoon, at 1:30, by statements, limited to five minutes, from the public on this issue.

Individuals wishing to address the Council should submit written requests and copies of their statements on or before May 23 to Edward F. Lysczek, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room S-4522, Third and Constitution Avenue NW., Washington, D.C. 20216. Telephone (202) 523-8753.

Papers on the subject of Social Investment are invited and will be accepted and included in the record of the meeting. Papers may be submitted at any time prior to the meeting date to the Executive Secretary of the Advisory Council at the above address.

Signed at Washington, D.C. this 20th day of April 1983.

Jeffrey N. Clayton,

Administrator, Pension and Welfare Benefit programs.

[FR Doc. 83-12386 Filed 5-9-83; 8:45 am]

BILLING CODE 4510-29-M

Quain and Ramstad Clinic et al.; Grant of Individual Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Notices were published in the Federal Register of the pendency before the Department of proposals to grant such exemptions. The notices set forth a summary of facts and representations contained in each application for exemption and referred interested persons to the respective applications for a complete statement of the facts and representations. The applications have been available for public inspection at the Department in Washington, D.C. The notices also invited interested persons to submit comments on the requested exemptions to the Department. In addition the notices stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicants have represented that they have complied with the requirements of the notification to interested persons. No public comments and no requests for a hearing, unless otherwise stated, were received by the Department.

The notices of pendency were issued and the exemptions are being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following findings:

(a) The exemptions are administratively feasible;

(b) They are in the interests of the plans and their participants and beneficiaries; and

(c) They are protective of the rights of the participants and beneficiaries of the plans.

Quain and Ramstad Clinic, P.C., Employees' Retirement Plan (the Plan) Located in Bismarck, North Dakota

[Exemption Application No. D-3700; Prohibited Transaction Exemption 83-82]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the loan (the Loan) of the lesser of $2 million or 25% of the fair market value of the Plan's assets as of the closing date of the Loan by the Plan to Quain and Ramstad Clinic, P.C. (the Employer), the sponsor of the Plan, provided that the terms of the transaction are at least as favorable to the Plan as those obtainable in an arm's length transaction with an unrelated party.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on December 21, 1982, at 47 FR 56940.

Written Comments and Hearing Requests: Three comments were received by the Department with regard to the proposed exemption. One commentator stated that the security to be used to secure the Loan, i.e. the accounts receivable of the Employer, currently fund obligations under a certain unfunded benefit plan maintained for the former partners of Quain and Ramstad Clinic prior to its incorporation. The applicant responded to this comment and stated that a security interest in the accounts receivable would defeat the tax deferral aspects of the unfunded plan, and therefore no such security interest exists. The commentator also stated that he was concerned about the use of accounts receivable as security for the Loan. The Department contacted the commentator, and after a discussion of the above issues, the commentator stated that he has no objection to the granting of an exemption.

Another commentator raised certain concerns involving the security for the Loan, and how the liquidity of the Plan will be affected by the Loan. The Department contacted the commentator and after explaining the protections afforded the plan by the terms of the exemption, including the role of the independent fiduciary, the commentator stated that he no longer had concerns with regard to the proposed exemption.

The appplicant also commented and requested a modification of the exemption application to provide that the Loan amount will not exceed the lesser of $2 million or 25% of the Plan's total assests as of the date of the closing of the Loan. The Northwestern National Bank of Minneapolis, the independent fiduciary with regard to the transaction, has considered the change and has determined that the Loan remains an appropriate and suitable investment for the Plan. The Department notes this change and has determined that such does not reflect on the merits of the exemption. The Department hereby incorporates such change into this final grant.

For Further Information Contact: Mr. David Stander of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Tarboro Clinic, P.A. Restated Money Purchase Pension Plan (the Money Purchase Plan) and the Tarboro Clinic, P.A. Restated Profit Sharing Plan (the Profit Sharing Plan; collectively, the Plans), Located in Tarboro, North Carolina

[Application Nos. D-3780 and D-3781; Prohibited Transaction Exemption 83-83]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the

application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the past purchases totaling 240 shares of the common stock of the Edgecombe Bank and Trust Company (Edgecombe) from Dr. Victor Herring III (Herring), by the individual accounts of Herring in the Plans provided that the price paid for such stock was not greater than the fair market value of the stock at the time of the transactions. Herring is a director of the Tarboro Clinic, P.A., the sponsor of the Plans and at the time of such purchases was a director of Edgecombe.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 11, 1983 at 48 FR 10499.

For Further Information Contact: Richard Small of the Department, telephone (202) 523–7222. (This is not a toll-free number.)

Drs. Weigler, Jacobsohn and Mollick, S.C. Amended and Restated Employees Pension Plan (the Plan) Located in Cadahy, Wisconsin

[Exemption Application No. D–3802; Prohibited Transaction Exemption 83–84]

Exemption

The restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the cash sale of certain art work by the Plan to Dr. Jordan M. Weigler, a party in interest with respect to the Plan, provided that the sales price for the artwork is at least equal to its fair market value at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 4, 1983 at 48 FR 9394.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Group Health Cooperative of Puget Sound Staff Pension Plan (the Plan) Located in Seattle, Washington

[Exemption Application No. D–3950; Prohibited Transaction Exemption 83–85]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to certain transactions involving the contribution, sale and purchase of "no-load" mutual fund shares (the "No-Load" Mutual Fund Shares) between the Plan and professional and administrative employees (the Participants) of the Group Health Cooperative of Puget Sound, provide all purchases and sales of the "No-Load" Mutual Fund Shares are conducted at fair market value and all Participant contributions of "No-Load" Mutual Fund Shares are valued at their fair market value on the date contributed.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on March 11, 1983 at 48 FR 10500.

For Further Information Contact: Ms. Jan D. Broady of the Department, telephone (202) 523– 8971. (This is not a toll-free number.)

Fox, Goldblatt & Singer, Inc. Employees Profit Sharing Plan (the Plan) Located in St. Louis, Missouri

[Exemption Application No. D–3976; Prohibited Transaction Exemption 83–86]

Exemption

The restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed purchase by each of the individually directed accounts (the Accounts) of Milton R. Fox, Samuel A. Goldblatt and Thomas M. Singer in the Plan of an equal undivided one-third interest in a certain parcel of improved real property from Fox, Goldblatt, Singer Investments, a Partnership, a party in interest with respect to the Plan, provided the terms and conditions of the purchase are at least as favorable to the Accounts in the Plan as those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 1, 1983 at 48 FR 14083.

For Further Information Contact: Horace C. Green of the Department, telephone (202) 523– 8881. (This is not a toll-free number.)

Radiology of Tupelo, Professional Association Profit Sharing Plan (the Plan), Located in Tupelo, Mississippi

[Exemption Application No. D–3984; Prohibited Transaction Exemption 83–87]

Exemption

The restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply to the proposed sale by Dr. Douglas E. Clark, Jr., (Dr. Clark) of a parcel of unimproved real property located in Pontotoc County, Mississippi for $48,000 to the individual account of Dr. Clark in the Plan, provided that this price is not more than the fair market value of the property at the time of sale.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the notice of proposed exemption published on April 1, 1983 at 48 FR 14083.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) These exemptions are supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the

transaction is in fact a prohibited transaction.

(3) The availability of these exemptions is subject to the express condition that the material facts and representations contained in each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 5th day of May, 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-12432 Filed 5-9-83; 8:45 am]

BILLING CODE 4510-29-M

Pension Plan for the Employees of David Meadows, et al.; Proposed Exemptions

AGENCY: Office of Pension and Welfare Benefit Programs, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1954 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of pendency of the exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Pension Plan for the Employees of C. David Meadows, M.D., P.A., the Money Purchase Pension Plan for the Employees of C. David Meadows, M.D., P.A. and the Profit Sharing Plan for the Employees of C. David Meadows, M.D., P.A. (collectively, the Plans) located in Arlington, Texas

[Application Nos. D-3530, D-3531 and D-3532]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of sections 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of sections 4974(c)(1) (A) through (E) of the Code, shall not apply to the participation of the Plans in a loan to Drs. C. David Meadows (Dr. Meadows) and Joseph T. Sams (Dr. Sams) and to the repurchase of the Plans' participation interests by the Plans' trustee, provided that the terms of the transaction are not less favorable to the Plans than those obtainable in an arm's length transaction with an unrelated party at the time of consummation of the transaction.

Summary of Facts and Representations

1. The Plans include a defined benefit pension plan, a money purchase plan and a profit sharing plan with 9, 1 and 9 participants respectively. As of June 30, 1982, the pension plan had $206,326 in assets, the money purchase plan $146,477 in assets and the profit sharing plan $192,176 in assets. The sponsor of the Plans is C. David Meadows, M.D., P.A. (the Employer), a professional association whose sole member is Dr. Meadows. The Plans' trustee is the Texas Commerce Bank-Arlington, Arlington, Texas (the Bank).

2. On January 29, 1983, Dr. Meadows and Dr. Sams (the Doctors) borrowed $484,871.82 from the Bank, the Doctors executing a promissory note (the Note) in favor of the Bank. The purpose of the loan was to renew and extend a previous construction loan which was used to finance construction of a medical office building located at 900 Wright Street, Arlington, Texas. The medical building is presently leased to the Employer and to Joseph T. Sams, M.D., P.A. On the day the Note was issued, Dr. Meadows purchased a 30% participation interest in the Note from the Bank.

3. Dr. Meadows' present interest in the Note is $145,461, with the Bank's interest presently equaling $339,410.20. The Note is a 20 year note, however, the Bank has the right to call the Note on the fifth, tenth and fifteenth anniversary date of the Note. The Note is payable in equal monthly installments of $6,000 which includes interest at the rate of the prime rate charged by the Bank plus ½%, adjusted whenever the Bank changes the prime rate charged to its borrowers. The Note is secured by a first lien on the medical office building.

4. The Bank as trustee for each of the plans proposes to purchase an undivided interest in the Note. Three participation certificates, each lasting for a 5 year period will be issued to the Plans. The first certificate in the amount of $43,000 will be issued to the money purchase plan, the second for $57,000 will be issued to the profit sharing plan and the third for $61,000 will be issued to the pension plan. The total participation of each Plan in the Note, however, will in no event exceed 20% of the total assets of each plan on the date the Plans enter into the transaction. Dr. Meadows represents that he will always

hold at least a 30% interest in the Note. Further, the terms of the participation certificates require that the Bank, upon written demand, pay the plans all or any part of the unpaid indebtedness due on their participation interests including accrued interest. At the end of the 5 year period, the Bank bill in any case be required to repurchase the plans' interests in the Note for its unpaid principal balance plus accrued interest.

5. On April 19, 1982, the Property was appraised by Edward D. Holman, a staff appraiser for McClellan, Massey, Inc. of Dallas, Texas, as having a fair market value of $550,000 as of March 10, 1982. Since the Property's appraised value represents only approximately 113% of the outstanding balance of the Note, Dr. Meadows has agreed to subordinate his 30% interest in the Note to the Plans. Therefore, the Plans' participation in the Note will be effectively secured by property worth approximately $371,000 or in excess of twice the amount of the Note.

6. Mr. Michael Hunter, an attorney with the law firm of Godfrey, Decker, McMackin, Shipman, McClane & Bourland of Fort Worth, Texas, will be appointed to act as an independent fiduciary for the proposed transaction. Mr. Hunter represents that he is aware of his duties, responsibilities and liabilities as a fiduciary under the Act in connection with the proposed loan. Mr. Hunter further represents that he has no other relationships with any of the parties to the proposed transaction.

Mr. Hunter represents that after examining the terms of the proposed transaction, he has initially determined that it is appropriate and suitable for the Plans. Mr. Hunter will reexamine the terms of the proposed transaction immediately prior to its consummation and will confirm that it continues to be an appropriate and suitable transaction for the Plans. Mr. Hunter will also monitor the transaction to ensure that the terms and conditions of the Note are maintained.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because

(a) the terms of the Note are the same as those required by the Bank;

(b) an independent fiduciary has determined that the transaction is in the best interests and protection of the plans and of their participants and beneficiaries; and

(c) Dr. Meadows has agreed to subordinate his interest in the Note to that of that Plans, thereby providing security on the Plans' investment in excess of twice the amount invested.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number.)

Allbright Machine Company, Inc. Employees' Profit-Sharing Plan and Trust (the Plan) Located in Odessa, Texas

[Application No. D-3674]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the lease of certain real property by the Plan to Allbright Machine Company, Inc. (the Employer) for a ten-year period, with the option to renew, provided the terms of the transaction are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a defined contribution profit sharing plan which was initially adopted on September 31, 1965. As of July 1, 1982 there were eight participants in the Plan and total assets of $174,790. The trustee of the Plan is the Interfirst Bank of Odessa, N.A. (the Trustee). The Trustee has been trustee since the inception of the Plan. The Trustee is an independent Trustee with complete investment authority for the Plan.

2. The Employer is a Texas corporation engaged in the business of manufacturing oil field equipment. On March 15, 1969, the Plan acquired a building located at 4701 North Golder, Odessa, Texas (the Building). The Plan immediately began leasing the Building to the Employer pursuant to an oral agreement. The Plan received $350 from the Employer for its use of the Building, until April 1, 1969. This amount was for rent and utilities.

3. On April 1, 1969, a formal lease agreement (the Lease) was entered into between the Plan and the Employer for the Employer's use of the Building. The Lease was effective April 1, 1969 through March 31, 1974, with an option to renew for an additional 10 year period. Under the terms of the Lease, the Plan agreed to pay ad valorem taxes on the Building and the Employer agreed to pay all utilities and insurance. The Plan received $130 per month in rent from April 1, 1969 through February of 1970. The Lease provides that the Plan is to receive $200 per month from March 1, 1970 until the end of the Lease term including the optional renewal period. However, in July of 1978 the Employer began enlarging the Building's capacity and the rent was increased to $300 per month. In September of 1980, when the Building's capacity had effectively been doubled, the rent was increased to $500 per month and has remained at this level until the present.[1]

4. The Plan now proposes to enter a new lease to take effect upon the granting of the proposed exemption (the New Lease) with the Employer for a primary term of 10 years with an option to renew for another 10-year period upon the same terms and conditions as the New Lease except that monthly installment of rent shall be renegotiated in writing by the Trustee and the Employer. The rental fee is to be paid by the Employer at a rate of $500 per month. The rental rate will be adjusted every two years during the term of the New Lease to reflect the then fair rental value of the Building as determined by an independent appraisal. Under the terms of the New Lease, the Employer will pay all taxes and assessments covering the Building and will be responsible for maintaining property and liability insurance.

5. An appraisal performed by Mr. Curtis Sims of M. D. Shirley Associates, Inc., an independent real estate appraiser experienced in the appraisal of investment, residential and commercial real property, has determined, that the fair rental value of the Building is $440 per month as of June 24, 1982. This appraisal also establishes the fair market value of the Building at $40,000 as of this date.

6. The Trustee has approved the terms of the New Lease, and has determined that it is in the best interests of the Plan and its participants and beneficiaries. Further, in accordance with the powers granted to the Trustee by the Plan's Trust Agreement, it has agreed to enforce all of the terms and conditions of the New Lease.

7. In summary, the applicant represents that the statutory criteria of section 408(a) of the Act have been satisfied because:

[1] The applicant represents that the lease of the Building by the Plan to the Employer from January 1, 1975 to the present is encompassed by the transitional rules of section 414 of the Act. The Department expresses no opinion as to the applicability of section 414 of the Act with regard to the Lease.

(1) the terms of the New Lease can easily be determined from the proposed written lease agreement and can be easily monitored by the Plan's records;

(2) the Plan will receive the fair market rental value for its property as determined by an independent real estate appraiser;

(3) the independent Trustee, having reviewed all of the terms of the New Lease, has determined that it is in the interests of the Plan and its participants and beneficiaries; and

(4) the Trustee will enforce the terms and conditions of the New Lease.

For further information contact: Ms. Linda Hamilton of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

Neurological Associates, S.C., Profit Sharing Plan and Trust (the Plan) Located in Peoria, Illinois

[Application No. D–3856]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed cash purchase of certain real property from Dr. Gaylord W. Bennett (Dr. Bennett), a party in interest with respect to the Plan, by Dr. Bennett's individual directed account under the Plan, provided that the purchase price does not exceed the fair market value of such property on the date of purchase.

Summary of Facts and Representations

1. The Plan is an individual account plan which permits all participants to direct the investment of their accounts under the Plan and provides that any income, expenses, gains, or losses attributable to the assets credited to each participant's account shall be allocated to that account only. As of October 13, 1982, the Plan covered 31 participants, including Dr. Bennett. As of April 12, 1983, the fair market value of Dr. Bennett's vested interest under the Plan was $79,580.

2. The real property in question is a parcel of undeveloped land (the Land) identified as Lot 2 of Highland Lake Estates, located in Woodford County, Illinois. Dr. Bennett did not acquire the Land from a party in interest with respect to the Plan. Dr. Bennett intends to use the Land for retirement purposes. Mr. Andrew L. Placher, a registered real estate broker licensed in the State of Illinois and associated with farm properties throughout Central Illinois for over 20 years, has examined the Land and estimated its fair market value on March 26, 1983 as $19,500. Mr. Placher certifies that he is not related to any person holding any title to the Land and has no personal interest therein whatsoever.

3. Dr. Bennett wishes to sell the Land to his individual account under the Plan because he believes the Land has good potential for appreciation. The proposed purchase price of the Land is $19,500, payable in cash at closing. Dr. Bennett will pay the selling fees and expenses incurred in effecting the proposed purchase.

4. In summary, the applicant represents that the proposed purchase satisfies the exemption criteria set forth in section 408(a) of the Act because (a) the proposed purchase price equals the fair market value of the Land as established by an independent appraiser, (b) the proposed purchase involves less than 25% of Dr. Bennett's vested interest under the Plan, (c) the Plan will not be charged with the fees and expenses incurred in effecting the purchase, (d) the only Plan assets involved in the proposed purchase are those credited to Dr. Bennett's individual account under the Plan so that he is the only Plan participant affected by the proposed transaction, and (e) Dr. Bennett believes the proposed purchase is in his best interest and wishes the purchase to be effected.

Notice to Interested Persons: Since the only Plan assets involved in the proposed transaction are those in Dr. Bennett's account under the Plan and he is the only Plan participant affected by the proposed transaction, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and hearing requests on the proposed exemption are due 30 days after the date of publication in the **Federal Register.**

For Further Information Contact: Mrs. Miriam Freund, of the Department, telephone (202) 523–8971. (This is not a toll-free number).

The American Can Company Retirement Plan for Salaried Employees (the Salaried Plan); The Pension Plan for Canco USW Employees (the USW Plan); The General Pension Plan for Hourly Employees at Tampa, Florida, Chandler, Arizona and Deming, New Mexico (the MRI Plan); and The Pension Plan for Hourly Employees at the Seattle Plant (the Seattle Plan; Collectively, the Plans) Located in Greenwich, Connecticut

[Application Nos. D–4003, D–4004, D–4005 and D–4006]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(b)(2) of the Act shall not apply to the sale by the USW Plan, the MRI Plan and the Seattle Plan (together, the Hourly Plans) of their interests in Metropolitan Life Insurance Company Guaranteed Insurance Contract #1650 (GIC #1650) to the Salaried Plan, provided the consideration paid by the Salaried Plan for the interests in GIC #1650 is equal to the fair market value of the interests at the time the transaction is consummated.

Summary of Facts and Representations

1. The Plans are funded through the American Can Company Master Retirement Trust (the Master Trust) under an agreement (the Master Trust Agreement) between American Can Company (the Company) and Bankers Trust Company (the Trustee). The Plans provide pension benefits to eligible employees and their beneficiaries. The Salaried Plan covers all eligible salaried employees employed by the Company at included locations or by any subsidiary of the Company which participates in the Salaried Plan (other than employees covered by a collective bargaining agreement which does not provide for such participation). The Hourly Plans cover eligible employees of the Company who are in the bargaining units covered by the agreements between the Company and certain unions. As of January 1, 1982 there were approximately 13,500 participants in the Salaried Plan and approximately 15,000, 43 and 8 participants, respectively, in the USW Plan, the MRI Plan and the Seattle Plan. The Master Trust is a group trust in which designated plans maintained by the Company and its subsidiaries (the Participating Plans) participate and which is authorized to hold all or any portion of each Participating Plan's assets. The applicant represents that, to its best knowledge and belief, the Plans do not provide services to one another and are not otherwise parties in interest with respect to one another.

2. Under Section X of the Salaried Plan (which is comparable to the funding provisions set forth in the addendum to each Hourly Plan and the funding provisions of the other Participating Plans), assets held for the Salaried Plan in the Master Trust are generally to be invested by the Trustee in its discretion. However, certain powers with respect to the investment of the Salaried Plan's assets are reserved to a committee (the Investment Review Committee) composed of individuals appointed by the Board of Directors of the Company. The current members of the Investment Review Committee are Kenneth A . Yarnell, Jr., David I. Chemerow, Eugene C. Ecker, J. Andrew Hays, John G. Polk and Daniel E. Rubenstein. Each of the current members is an employee of the Company.

3. Included in the reserve powers of the Investment Review Committee is the power to direct the Trustee to enter into one or more group annuity contracts on behalf of a Participating Plan. Pursuant to this power, the Investment Review Committee directed the Trustee to hold certain group annuity contracts of a type known as guaranteed insurance contracts (the GICs) for certain of the Participating Plans.

4. Pursuant to the Master Trust Agreement, GICs held for the Participating Plans are credited for bookkeeping purposes to segregated investment pools (the Investment Pools), to separate them from the main pool of assets (the General Fund). The General Fund, in which all Participating Plans share, is invested primarily in marketable securities. Investment Pool 2, in which only the USW Plan and another plan for hourly employees (the IAM Plan) have an interest, holds five branches of GIC #1650 with Metropolitan Life Insurance Company (Metropolitan).[1] Investment Pool 6, which most of the Participating Plans share (including the Hourly Plans), holds the remaining four branches of GIC #1650 and several other GICs with various insurers. Shortly before the proposed transaction, the Company and the Investment Review Committee will direct the Trustee to split Investment Pool 6 into two separate pools, with a new pool (Investment Pool 10) holding the branches of GIC # 1650 previously held under Investment Pool 6 and with Investment Pool 6 continuing to hold the remaining GICs.

[1] While GIC #1650 is a single contract, to which contributions are to be made over a period of years, each year's contributions are subject to different interest rate guarantees. Accordingly, for accounting purposes, each year's contributions are segregated in a separate "branch" of the contract.

5. At the present time, approximately 69% of the assets of the Salaried Plan is invested in the General Fund. Only approximately 11% (based on book values) is invested in GICs and approximately 12% in an immunized bond portfolio. Almost all of the USW Plan's assets, however, are invested in GICs and an immunized bond portfolio (approximately 38% in GICs based on book values and approximately 60% in the bond portfolio). While the GICs and immunized bond portfolios offer valuable interest rate guarantees, the Company and the Investment Review Committee have determined that greater liquidity is needed for the USW Plan, and that the most practical way to achieve such liquidity is to dispose of the USW Plan's interest in GIC #1650. Disposing of any portion of the bond portfolio to increase liquidity under the USW Plan would be substantially detrimental to the Plan. Achievement of the overall goals of an immunized bond portfolio depends on maintaining a precise mix of maturity dates and interest yields. Sale of any significant portion of the portfolio would, thus, tend to defeat its investment purpose.

6. Greater liquidity is also needed for the remaining two Hourly Plans. These plans cover operations that have been sold by the Company as of April, 1982. Under the terms of the purchase agreement (the Purchase Agreement), the assets of each Plan are to be transferred to a trust established by the buyer, in connection with its assumption of the Plan. At the present time, the assets of these Plans are invested in the General Fund and Investment Pool 6. Upon receipt of Internal Revenue Service approval, the Company will be required to transfer liquid assets (cash or cash equivalents) to the respective buyers, necessitating the liquidation of each Plan's interest in Investment Pool 6.

7. It is proposed that such disposition of the Hourly Plans' interest in the GIC be accomplished through a sale by each Hourly Plan to the Salaried Plan of the Hourly Plan's interest in the GIC. Such sale would take the form of an exchange by (a) the USW Plan of its interests in investment Pool 2 and new Investment Pool 10 and (b) each other Plan of its interest in new Investment Pool 10 for a portion of the Salaried Plan's interest in the General Fund having the same value. The publicly traded securities in the General Fund are valued, at market, by the Trustee, using primarily daily pricing tapes from Telestat Systems, Inc. and Interactive Data Service Corp. any independently managed portfolios in the General Fund that invest in foreign securities are valued by the Trustee's Global Trust Group. The General Fund's real estate account is valued on the basis of information provided by the two collective real estate trusts in which the assets are invested.

8. Each Hourly Plan's interest in the respective branches of the GIC involved would be valued separately. Each branch would be valued for this purpose at a figure halfway between (a) the amount that the Salaried Plan would have to pay for the particular branch in order to have a yield (for the remaining period of the branch) on that branch equal to the yield that would be available if the Salaried Plan purchased a new GIC from Metropolitan and (b) the amount that would be paid to the Hourly Plan by Metropolitan if its share of that branch were cashed out. The amount that would be received by the Hourly Plan on a cash-out will in each case be smaller than the amount that the Salaried Plan would have to pay to receive the equivalent yield if it purchased a new GIC from Metropolitan, because of the manner in which Metropolitan computes its so-called "bid" and "asked" prices for such contracts. The applicable "bid" and "asked" figures for each branch of GIC #1650 are readily available from Metropolitan, and current figures could be obtained at the time of the transaction.

9. The Company and the Investment Review Committee believe that the proposed transaction would be of benefit to the Salaried Plan and the Hourly Plans. It would permit the Salaried Plan to acquire a secure investment, of a type commonly made by qualified pension plans, at a lower cost than would otherwise be possible and it would at the same time permit the Hourly Plans to dispose of their interests in GIC #1650 at a higher price than would otherwise be available.

10. Nothing in this subject transaction could have any impact on the Company's sale of operations described in Representation #6 above, as those operations were sold as of April, 1982. The Trustee's only obligation under the Purchase Agreement was to liquidate the GICs and deliver cash or cash equivalents to a trust being established by the buyer. The Company has no financial stake in the method used for liquidating the MRI and Seattle Plans' interests in the GICs, because the Purchase Agreement does not commit the Company to transfer any particular amount of assets in respect of the MRI and Seattle Plans. The Investment Review Committee made an independent determination on behalf of

the Salaried Plan to purchase GIC #1650. There was no conflict of interest. The decision to buy the GIC was purely on the merits of the investment. The only matter that needed to be resolved was finding a fair and equitable method for pricing. The proposed pricing mechanism, which was suggested by the Company's outside counsel provides a favorable arrangement for all the Plans, based upon an objective standard.

11. In summary, the applicant represents that the proposed transaction will satisfy the criteria of section 408(a) of the Act because: (1) the transaction would permit the Salaried Plan to acquire a secure investment providing a guaranteed investment yield that as higher than would otherwise be available; (2) the transaction would permit each Hourly Plan to satisfy its liquidity needs without incurring the charges applicable on a cash-out with Metropolitan; (3) this will be a one-time transaction involving no extension of credit; (4) the asset value figures used as the basis for the exchange will be determined solely on quotas of (a) value figures received from an independent party, Metropolitan, in the case of the GIC and (b) market values furnished by independent fiduciaries (i.e., the Trustee and the trustees of certain collective real estate funds) in the case of the assets in the General Fund; and (5) the Investment Review Committee has determined that the proposed transaction is appropriate for the Plans and in the best interests of their participants and beneficiaries.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

The Western Growers Pension Trust (the Plan) Located in Irvine, California

[Application No. D-4063]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406 (a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the loan by the Plan to WGA Service Corp. of the lesser of 12½% of the Plan's assets on the date of the loan or $2,500,000, under the terms described in this notice, provided such terms are not less favorable to the Plan than those obtainable in an arm's-length transaction with an unrelated party.

Summary of Facts and Representations

1. The Plan is a multi-employer pension plan which is administered by a board of trustees. As of September 1, 1982, the Plan had approximately 8,544 active participants, 1,020 retirees, and 32 beneficiaries. The Plan had $19,127,887 in total assets as of December 10, 1982.

2. The Plan was originally created under the guidance of the Western Growers Association (WGA), which is a non-profit trade association whose members are active growers and shippers of produce in the western United States and whose members, in large part pursuant to collective bargaining agreements, make contributions on behalf of their employees to the Plan. WGA Service Corp. is a profit corporation organized under the laws of the State of California. There are common directors and trustees among the Plan, WGA, and WGA Service Corp. All of the capital stock of WGA Service Corp. is owned by WGA.

3. WGA Service Corp. owns the building located at 17620 Fitch, Irvine, California (the Building), which houses the headquarters of the WGA. WGA Service Corp. leases part of the Building to WGA and also leases part of the Building to the Plan. The applicants represent that the lease to the Plan is exempt under section 408(b)(2) of the Act in that the lease is for office space in which the Plan conducts legal, accounting and other operations necessary for the operation of the Plan, and that no more than reasonable compensation is paid for the rental of the office space.[1]

4. The Plan proposes to loan to WGA Service Corp. an amount up to 12½% of the Plan's assets as of the date of the loan, not to exceed the sum of $2,500,000. The interest rate for the loan is to be a fixed rate which will be equal to the prevailing rate of interest charged for similar real estate loans in the Southern California area by major financial institutions at the time the loan is funded. The loan is to be amortized over 30 years, and will be completely due and payable in 10 years. The loan will be secured by a first deed of trust on the Building which will be recorded with the County Recorder for the County of Orange, State of California. The Building has been appraised by Mark Hasker Byer, M.A.I., an independent appraiser in Newport Beach, California, as having a fair market value of $4,500,000 as of May 18, 1982.

5. The Plan's trustees have delegated investment authority within specific guidelines to its independent investment counsel, Van Deventer & Hoch (V&H). V&H currently manages assets in excess of $200 million. In 1976 (V&H) merged with Chemical New York Corporation, the holding company for the Chemical Bank of New York. V&H has reviewed the terms of the proposed loan and has determined that the loan is appropriate for the Plan and in the best interests of the Plan's participants and beneficiaries. V&H will set the rate of interest at the outset of the loan. Mr. Harold Brown, who is legal counsel to the Plan, will monitor the loan and take whatever action is necessary to enforce the Plan's rights under the loan. Mr. Brown acknowledges his status as fiduciary to the Plan in connection with his responsibilities to monitor the loan. Mr. Brown represents that he is counsel only to the Plan and does not represent WGA or WGA Service Corp.

6. In summary, the applicants represent that the proposed loan transaction meets the criteria of section 408(a) of the Act because: (1) the loan will involve no more than 12½% of Plan assets; (2) the interest rate will be set by V&H and will be equal to the prevailing rate charged by major local financial institutions at the time of the funding of the loan; (3) the loan is to be secured by real property which has been appraised by an independent appraiser at a value 1.8 times the maximum amount of the loan; (4) V&H, the Plan's independent fiduciary, has determined that the loan is appropriate for the Plan; and (5) Harold Brown, the Plan's counsel, will serve as an independent fiduciary to monitor the loan and take whatever action is necessary to enforce the Plan's rights.

Notice of Interested Persons

Notice will be provided to interested persons in the manner agreed upon by the Department and the applicants within 21 days of the date of publication of this notice of proposed exemption. Comments and requests for a public hearing must be received by the Department within 55 days of the date of publication.

For Further Information Contact: Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Employee's Retirement Plan and Trust Agreement of Affiliated Pathologists, P.A. (the Plan) Located in Denton, Texas

[1] The Department expresses no opinion in this proposed exemption as to whether the lease between WGA Service Corp. and the Plan is encompassed by section 408(b)(2) of the Act.

[Application No. D–4164]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 406(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the cash sale by the Plan of a 8.1302% interest in a joint venture to Affiliated Pathologists, P.A. (the Employer), a party in interest with respect to the Plan, provided that the amount paid to the Plan is not less than the fair market value at the time of sale.

Summary of Facts and Representations

1. The Plan, a defined contribution pension plan, has 9 participants and net assets as of March 31, 1982 of $806,262.42. The Employer is a professional medical corporation with offices in Texas and Oklahoma.

2. In 1973, the Plan purchased a 5% interest in a joint venture known as Metro-East Property III (Metro-East) for $6,232. Metro-East owns 440 acres of undeveloped land in the Dallas Metropolitan area. Metro-East purchased the land in 1973 for a price of approximately $615,000. In order to finance the purchase of the land, Metro-East borrowed $489,241.76 at an interest rate of 7%, payable over 10 years.[1] The loan was secured by a deed of trust on the land. The Plan in addition to its initial capital contribution was required under the terms of the joint venture agreement to make annual capital contributions to retire the underlying deed of trust.

3. Several investors have withdrawn from Metro-East because of the decline in the real estate market, thereby resulting in an increase in the ownership share and obligations of the remaining joint venturers, including the Plan. Between 1973 and 1982, the Plan made the following capital contributions and had the following ownership interest in Metro-East:

	Ownership (percent)	Capital contribution
1973	5	[1]$6,232
1974	5	4,200
1975	5.88	4,988
1976	7.52	4,163
1977	8.1302	4,861
1978	8.1302	4,872
1979	8.1302	4,870
1980	8.1302	4,771
1981	8.1302	4,922
1982	8.1302	4,719
		48,618

[1] Initial purchase price

If no further change in ownership in Metro-East takes place, the Plan can be expected to make payments over the next 4 years of $18,547.15.[2]

4. As a result of the declining real estate market, the Plan has attempted to sell its interest in Metro-East to the other joint venturers. These efforts have yielded only minimal interest.[3] The Plan proposes to sell its interest in Metro-East to the Employer for its fair market value as determined by an independent appraiser. Mr. J. B. Featherston of Merrill Lynch Realty Commercial Services, Dallas, Texas, an independent appraiser, has determined that the value of the Plan's interest in Metro-East as of June 15, 1982 was $35,800. The applicant represents that this appraisal will be updated at the time of sale and the Plan will receive the greater of $35,800 or the current appraisal. No sales commission will be paid by the Plan with respect to the proposed sale and any costs of sale will be borne by the Employer. In addition, the Employer will hold the Plan harmless from any future contingencies occurring after the sale which give rise to a liability of the Plan by reason of its previous ownership interest in Metro-East.

The applicant represents that if an exemption is not issued, the Plan will continue to make capital contributions pursuant to the joint venture agreement, without any current income return on this investment and with uncertainty as to any future appreciation.

5. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) It will be a one time transaction for cash;

(b) All costs of sale for the transaction will be paid by the Employer;

(c) The Employer will hold the Plan harmless from any liabilities occurring after the sale which arose from the Plan's ownership in Metro-East;

(d) The Plan will receive the greater of $35,800 or the current appraised value of the Plan's interest in Metro-East on the date of sale; and

(e) The Plan trustees have determined that the proposed transaction is appropriate for the Plan and in the best interests of the Plan's participants and beneficiaries.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523–8971. (This is not a toll-free number.)

Visonik of America, Inc. Profit Sharing Plan and Trust (the Plan), Located in Orinda, California

[Application No. D–4208]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedures 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a) and 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code shall not apply to the proposed cash sale of a limited partnership interest by the Plan to Visonik of America, Inc. (the Employer), a party in interest with respect to the Plan, provided that the amount paid to the Plan for its partnership interest is not less than fair market value at the time of sale.

Summary of Facts and Representations

1. The Plan is a profit sharing plan with 7 participants and net assets of $206,218.08 as of January 31, 1983. The Plan trustee is Mr. Henry G. Eberle (Mr. Eberle).

2. On August 8, 1980, the Plan purchased for $42,000 a 4.019% interest

[1] The loan was renegotiated by Metro-East and the maturity date on the loan has been extended until 1986.

[2] In this proposed exemption, the Department expresses no opinion as to whether the Plan's acquisition or subsequent actions with respect to its ownership interest in Metro-East violated any provision of Part 4 of Title I of the Act.

[3] Plan received an offer to purchase its entire interest for $1,000. A second offer of $2,411.64 was received for a purchase of 3.654 Percent of the Plan's interest.

in Redding Development Associates (Redding), a California limited partnership.[1] Redding was formed on September 1, 1979, for the purpose of acquiring and reselling certain parcels of real property located in Contra Costa County, California. Redding was to exist for a period of 3 years or until the earlier sale of the partnership real estate.

3. Redding is now, and has been for many months, in a precarious financial position. In addition to adverse conditions in the real estate market which prevented an early sale of the partnership property, the general partners of Redding, Charles M. Southall and William H. Zepp, are represented to have violated various provisions of the partnership agreement to the detriment of the Plan and the other limited partners. In regard to these violations, a suit was filed by W. Barry Kannon, a limited partner, against the general partners in July 1982.

4. On August 26, 1982, the limited partners of Redding met and elected a new general partner, Ralph L. Aldrich, to undertake the management and sale of the partnership properties. Despite Mr. Aldrich's best efforts to salvage the partnership's property, it appears that foreclosures by lenders holding third and fourth deeds of trust on the partnership property may result in a loss to the Plan and the other limited partners in Redding of their capital contributions. The applicant represents that should current foreclosure proceedings continue, the Plan and the other limited partners will be left with only a claim against Charles M. Southall and William H. Zepp, the former general partners of Redding, for their losses. In a letter to the limited partners of Redding dated December 29, 1982, Mr. Aldrich stated that because of the precarious position Redding is in now, that the limited partners should discuss with their accountants the possibility of writing off this investment as a total loss.

5. The Employer has offered to purchase the Plan's 4.019% interest in Redding for a cash purchase price equal to the Plan's original acquisition cost plus simple interest at the rate of 15% per annum for the date of acquisition (purchase price would be $58,656.16 as of March 31, 1983). All costs of the transaction would be borne by the Employer. Further, the Employer and Mr. Eberle have agreed to hold the Plan harmless from any past or future losses arising from the Plan's ownership of the limited partnership interest in Redding.

[1] The applicant represents that the principals in Redding are independent and unrelated to the Employer, the Plan and the Plan trustee.

6. The applicant represents that the sale of the limited partnership interest in Redding would relieve the Plan of the substantial risk involved in continuing to hold the limited partnership interest and of the costs that must necessarily be incurred in pursuing claims against the former general partners of the partnership. In addition, it will preserve the Plan's initial investment in the partnership interest and provide a return on that investment.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria for an exemption under section 408(a) of the Act because:

(a) It will be a one time transaction for cash;

(b) The Plan will be able to dispose of an otherwise worthless asset without suffering a loss;

(c) All costs of sale for the transaction will be paid by the Employer; and

(d) The Employer and Mr. Eberle will hold the Plan harmless from past and future losses arising from the Plan's ownership of the limited partnership interest in Redding.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the plan either paying less than or receiving more than fair market value such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Code, including sections 401(a)(4), 404 and 415.

For Further Information Contact: Alan H. Levitas of the Department, telephone (202) 523-8971. (This is not a toll-free number).

Ray Tylander's Inc. Profit Sharing Plan
Located in Palm Beach, Florida

[Application No. D-4220]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the temporary exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the proposed construction loans, not to exceed the lesser of $350,000 or 25 % of the Plan's assets, for a period of ten years, by the Plan to certain qualified customers of Ray Tylander Inc. (the Employer), a party in interest with respect to the Plan, provided the terms of each transaction are no less favorable to the Plan than those available in an arm's length transaction with the unrelated party.

Temporary Nature of Exemption

If granted, the exemption will be temporary in nature and will expire 10 years after the date of grant.

Summary of Facts and Representations

1. The Plan is a profit sharing plan that had 63 participants and total assets of $560,454 as of June 30, 1982. The Plan's administrative committee (the Committee) directs all investments for the Plan. The individuals who comprise the Committee and make the investment decisions for the Plan are all officers and/or shareholders of the Employer.

2. The Employer is a State of Florida corporation that engages in the building materials business and, in connection therewith, manufacturers penalized home packages.

3. The applicant is requesting a temporary exemption, for ten years, which would permit the Plan to invest up to the lesser of 25% of $350,000 of its assets in Loans to certain qualified customers of the Employer. Each Loan would: (1) by limited to no more than 10% of the assets of the Plan; and (2) bear a floating interest rate 2 percent over the prime rate of Chase Manhattan Bank of New York City, with a floor of 8%, and would have a term of six months. Repayments will be made to the Plan upon the completion of each home by established mortgage lenders pursuant to their irrevocable permanent mortgage commitment letter to the Plan. It is represented that no Loans will be made to borrowers who are parties-in-interest to the Plan.

4. The Loans will be secured by a first mortgage on the property on which the house will be built. In addition the Loans will be secured by a third mortgage (the Third Mortgage) on a retail lumber yard owned by the Employer (the Property), located at 8333 Southern Boulevard, West Palm Beach, Florida, which is subject to a first mortgage (the First Mortgage) of approximately $163,441 held by the Florida Federal of St. Petersburg, Florida and two separate second mortgages (the Second Mortgages) of $75,000 each, held by Charles and Doris Carpenter and Mary Frances Hecht, respectively. An appraisal performed on January 11, 1983 by Arthur J. St. John (Mr. St. John), S.R.P.A. Broker, vice president of Ted

Brown Real Estate, Inc., an independent appraiser, valued the Property at $1,040,000. In the opinion of Mr. St. John, the neighborhood, in which the Property is situated, is increasing steadily in value as demand for both vacant sites and improved industrial buildings increases. The Third Mortgage will be filed with the clerk of the Circuit Court of Palm Beach County, Florida, recording the Plan's secured interest in the Property. It is represented that the Plan will be added as a loss payee on the insurance policy (the Policy) insuring the Plan's secured interest in the Property against fire, casualty losses, etc. throughout the terms of the Loans upon the execution of the Third Mortgage. It is represented that the Policy reflects adequate coverage for the transaction. In addition, the Employer wil incur all costs necessary to maintain the Property, including, but not limited to, paying all taxes, assessments, insurance premiums, repairs, etc.

5. Maynard Hamblin (Mr. Hamblin) of West Palm Beach, Florida has been designated as the independent fiduciary with respect to the proposed transactions. Mr. Hamblin has 19 years of banking experience with First Federal Savings and Loan (the Bank) of Lake Worth, Florida. It is represented that during his employment with the Bank, he reviewed loan applications, security instruments, appraisals and credit applications for hundreds of applicants. As a member of the loan committee he was directly involved in the decision as to whether specific applications would be approved. In addition, he has administered several pension and profit sharing plans for the Bank, whose assets exceeded $1 million. Mr. Hamblin represents that he understands his fiduciary responsibilities under the Act. Mr. Hamblin represents that after considering proposed exemption and all supplementary information submitted, it is his opinion that the Loans described herein are of a desirable format, in the best interests to all concerned and clearly protective of the rights of the participants and their beneficiaries. In addition to reviewing the specific terms and conditions of the Loans, Mr. Hamblin has: (1) examined the overall Plan investment portfolio; (2) considered the cash flow needs of the Plan; (3) given consideration of the necessity of a sale of any Plan assets; (4) examined the diversification of Plan assets in light of the proposed investment in the Loans; and (5) reviewed the terms of the proposed Loans as such terms comport with the Plan's investment scheme. Mr. Hamblin will: (1) select certain Committee approved loan applications for Plan investment; (2) monitor all the terms and conditions of such Loans to ensure repayment; and (3) take appropriate actions in the event of default. Mr. Hamblin will require the Employer to provide additional collateral, when, in his opinion, the excess (the fair market value of the Property less the outstanding balances of the First Mortgage and the Second Mortgages) is less than 150% of the remaining balance of the Loans. In such instance Mr. Hamblin will be provided with an appraisal of such additional collateral so that the remaining balance of the Loans will always be 150 percent secured.

6. As a matter of procedure, the Employer's credit department would receive the application documents and verify the applicant's employment, banking and credit information. A real estate title search would be conducted of the subject property and a title policy issued by an independent title company. Certain completed applications will be sent to the Committee for their review for possible Plan investment. The following criteria would be used by the Committee, as a basis for selected approval of any loan application:

(a) receipt of an irrevocable permanent mortgage commitment letter from an established mortgage lender assuring payoff of the Loan/or Loans upon the completion of a home/or homes;

(b) evidence that the subject property/or properties on which the home/or homes will be built would be free and clear, insuring a first mortgage position, and of sufficient value to represent a minimum of 40% of the amount of the Loan/or Loans;

(c) receipt of a completed job estimate sheet evidencing sufficient monies for each completion; and

(d) evidence that extended insurance coverage is provided with loss payee in favor of the Plan.

All loans which are approved by the Committee will be sent to Mr. Hamblin for final selection of Loans for the Plan. Mr. Hamblin will make the final decision as to what Loans are selected for Plan investment.

7. In summary, the applicant represents that the Loans meet the statutory criteria for an exemption under section 408(a) of the Act because:

(a) Mr. Hamblin has determined that the transactions are appropriate for the Plan and are in best interests of the Plan's participants and beneficiaries;

(b) Mr. Hamblin will select the Loans and will monitor the terms and conditions of such Loans;

(c) each Loan will at all times be secured by a first mortgage on the subject property and a third mortgage on the Property; and

(d) each Loan will be limited to 10% of the Plan's assets and the aggregate outstanding balances of the Loans at no time will exceed the lesser of $350,000 or 25% of the fair market value of the assets of the Plan.

For further information contact: Horace C. Green of the Department, telephone (202) 523–8881. (This is not a toll-free number.)

The Drs. Krumholtz and Lunsford, P.A. Employees' Profit Sharing Plan (the Profit Sharing Plan) and Drs. Krumholtz and Lunsford, P.A. Employees' Pension Plan (the Pension Plan; together, the Plans) Located in Boca Raton, Florida

[Application No. D–4281]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted the restrictions of section 406(a), 406 (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the code shall not apply to the sales by the Plans to Drs. Krumholtz and Lunsford of each Plan's 14.03065 percent interest in the KLMR partnership for $55,670.95, provided such amount is not less than the fair market value of each Plan's interest on the date of the sale.

Summary of Facts and Representations

1. The Pension Plan is a money purchase pension plan with 15 participants. The Profit Sharing Plan also has 15 participants. Each Plan owns a 14.03065 percent interest in a partnership called KLMR. The partnership was originally formed on January 19, 1970, and the Plans acquired their interests on November 16, 1973.

2. KLMR's sole asset is land located in Boca Raton, Florida. The size of the property is 72,142 square feet. On January 1, 1971, KLMR entered into a lease agreement for the land with a partnership called 600 Enterprises. Drs. Krumholtz and Lunsford, who are the Plans' trustees, are individual partners in 600 Enterprises.

3. By letter dated October 22, 1980, the Department's Miami Area Office informed the applicants that the Department believed that the lease

constituted a prohibited transaction. The Department stated its belief that the lease was not covered by the transitional rules contained in sections 414 and 2003 of the Act because the lease is not as favorable to the Plans as an arm's-length transaction would be.

4. The Plans now wish to sell their partnership interests in KLMR to Drs. Krumholtz and Lunsford to end the prohibited transaction resulting from the lease. The proposed sales would enable the Plans to sell non-liquid assets for cash during a time when the market for such investments is totally inactive and depressed. The applicants represent that the proceeds from the sales can be invested in more liquid assests.

5. The applicants have represented that the price will be based upon a value of $5.50 per square foot for the partnership interests. Each Plan would thus receive $55,670.95 for its 14.03065 percent interest in KLMR. Mr. Salvatore J. Catalo of Carlen Apppraisal and Realty, Inc. of Boca Raton, Florida, an independent appraiser, represents that the fair market value of the land as of March 5, 1983 was $5.50 per square foot, for a total of approximately $396,000 for the entire parcel.

6. The applicants represent that they will pay all exicse taxes which are applicable under section 4975(a) of the Code by reason of the prior lease of the subject property within 60 days of the publication in the **Federal Register** of a final notice of the granting of the exemption proposed herein. In addition, the applicants represent that they will reimburse the Plans for their proportionate share of any lease payments that may be due resulting from a difference between the fair market value in 1973 of the long term lease that was entered into, and the amount actually paid during the period of the lease, including any interest that may be due thereon.

7. In summary, the applicants represent that the proposed transaction will satisfy the criteria contained in section 408(a) of the Act because: (1) the sale is a one-time transaction for cash; (2) the sale enables the Plans to dispose of an unmarketable, non-liquid asset; (3) the price is equal to the fair market value as established by an independent appraiser; and (4) with respect to the prior lease of the subject property, the applicants will fully comply with the excise tax provisions of section 4975 of the Code.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz of the Department, telephone (202) 523–6881. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, D.C., this 5th day of May 1983.

Alan D. Lebowitz,

Assistant Administrator for Fiduciary Standards, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 83-12422 Filed 5-9-83; 8:45 am]

BILLING CODE 4510-29-M

MERIT SYSTEMS PROTECTION BOARD

Appointment of Members to the Performance Review Board

AGENCY: Merit Systems Protection Board.

ACTION: Notice of Appointment of Members to the Performance Review Board.

SUMMARY: This notice publishes the names of Performance Review Board Members as required by 5 U.S.C. 4314(c)(4).

The following persons have been appointed to, and will serve on the Performance Review Board for Senior Executives in the U.S. Merit Systems Protection Board: Alvin Golub, Jim Johnson, Harold Kessler, R. J. Payne, and Evangeline Swift.

EFFECTIVE DATE: May 10, 1983.

FOR FURTHER INFORMATION CONTACT: Frederick L. Foley, Director, Personnel Management Division, U.S. Merit Systems Protection Board, 1120 Vermont Avenue, N.W., Washington, D.C. 20419. (653–5916).

For the Board.

Herbert E. Ellingwood,

Chairman.

April 29, 1983.

[FR Doc. 83-12318 Filed 5-9-83; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Industrial Science and Technological Innovation; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Industrial Science and Technological Innovation.

Date and time: June 2 and 3, 1983; 8:30 am–5:00 pm.

Place: National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, Room 540.

Type of meeting: Part open (6/2—8:30–12:00 and 6/3—1:30–5:00 open; 6/2—1:30–5:00 and 6/3—8.30–12:00 closed).

Contract person: Mr. Thomas M. Ryan, Program Specialist, Division of Industrial Science and Technological Innovation, Room 1250, National Science Foundation, Washington, DC 20550 (202) 357–7875.

Summary of minutes: May be obtained from the contact person at the above address.

Purpose of committee: To provide advice and recommendations concerning support for research in NSF programs administered by the Division of Industrial Science and Technological Innovation.

Agenda

June 2, 1983; 8:30 am–12 pm (Open)

Discussion of Industrial Science and Technological Innovation research program initiatives. Briefing on National Science Board report on industry/university research cooperation. Discussion of dissemination of NSF/ISTI research results and other matters.

June 2, 1983; 1:30 pm–5:00 pm (Closed)

Review and comparison of delcined proposals (and supporting documentation) with successful awards under the Division of Industrial Science and Technological Innovation, including review of peer review materials and other privileged materials. A report will be prepared on the Committee's findings and recommendations.

June 3, 1983; 8:30 am–12:00 pm (Closed)

Continuation of small group oversight review and appraisal of technical aspects of ISTI program management. Written report to be prepared within 90 days of the meeting.

June 3, 1983; 1:30 pm–5:00 pm (Open)

Small Business Innovation Research (SBIR) program issues. A plenary session devoted to general discussion and future meetings will terminate the meeting.

Reason for closing: The oversight portion of the meeting will deal with a review of grants and declinations in which the Committee will review materials containing the names of applicant institutions and principal investigators and privileged information from the files pertaining to the proposals. These sessions will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Management Officer pursuant to provisions of Secion 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: May 5, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-12432 Filed 5-9-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Economic Science; Subpanel on Measurement Methods and Data Resources; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92–463, the National Science Foundation announces the following meeting:

Name: Subpanel on Measurement Methods and Data Resources of the Advisory Panel for Social and Economic Science.

Date and time: June 3–4, 1983: 9:00 a.m. to 5:30 p.m.

Place: Room 338, National Science Foundation, 1800 G Street, NW, Washington, DC 20550.

Type of meeting: Closed—June 3–4, 1983: 9:00 a.m. to 5:30 p.m.

Contact person: Dr. Murray Aborn, Program Director, Measurement Methods and Data Resources, Room 312, National Science Foundation, Washington, DC 20550, Telephone (202) 257–7913.

Summary of minutes: May be obtained from the contact person Dr. Murray Aborn at the above address.

Purpose of subpanel: To provide advice and recommendations concerning support for research and research-related projects in Measurement Methods and Data Resources.

Agenda: Review and evaluation of research and research-related proposals as part of the award selection process.

Reason for closing: the proposals being reviewed include information of proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: May 5, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-12431 Filed 5-9-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Behavioral and Neural Sciences; Subpanel for Sensory Physiology and Perception; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Panel for Behavioral and Neural Sciences, Subpanel for Sensory Physiology and Perception.

Date & time: May 18, 1983, 10:00 p.m.–5:30 p.m., May 19, and 20, 1983, 9:00 a.m. to 5:00 p.m.

Place: Room 1240, at the National Science Foundation, 1800 G Street, N.W., Washintton, D.C. 20550.

Type of meeting: Part Open—Open 12:00 p.m.–2:00 p.m., May 18. Closed 9:00 a.m.–5:00 p.m., May 19 and 20.

Contact person: Dr. William A. Yost, Program Director, Sensory Physiology and Perception, Room 320, National Science Foundation, Washinton, D.C. 20550; telephone 202/357–7428.

Summary minutes: May be obtained from the Contact Person, Dr. William A. Yost at the address listed above.

Purpose of panel: To provide advice and recommendations concerning support for research in sensory physiology and perception.

Agenda: Open: May 18, 1983, 10:00–12:00 p.m. Discussion of Long Range Planning and the two panel review procedure. Closed: May 18, 19, to review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposal being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemption (4) and (6) of 5 U.S.C. 552b(C), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92–463. The Committee Management Officer was delegated the authority to make such determinations by the director, NSF, on July 6, 1979.

Reason for late Notice: Oversight of originating office.

Dated: May 5, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-12433 Filed 5-9-83; 8:45 am]

BILLING CODE 7555-01-M

Advisory Panel for Social and Economic Science Subpanel on Decision and Management Science Program; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subpanel on Decision and Management Science of the Advisory Panel for Social and Economic Science.

Date/time: May 31, 1983–9:00 a.m. to 5:00 p.m. June 1, 1983–9:00 a.m. to 5:00 p.m.

Place: National Science Foundation, 1800 G St., N.W., Washington, D.C. 20550, May 31 and June 1, Room 338.

Type of meeting: Part Open. 5/31—9:00 a.m. to 5:00 p.m.—Closed. 6/1—9:00 a.m. to 10:00 a.m.—Closed. 6/1—10:00 a.m. to 12 noon—Open. 6/1—12:30 p.m. to 5:00 p.m.—Closed.

Contact person: Dr. Trudi C. Miller, Acting Program Director, National Science Foundation, Room 312—Phone (202) 357–7569.

Purpose of subpanel: To provide advice and recommendations concerning research in Decision and Management Science.

Agenda: *6/1—10:00 a.m. to 12:00 noon—Open session.* General discussion about the distinguishing characteristics of basic research in the field of Decision and Management Science and of high priority research areas.

5/31—9:00 a.m. to 5:00 p.m. and 6/1—9:00 a.m. to 10:00 a.m. and 6/1—12:00 to 5:00 p.m.—Closed session. To review and evaluate proposals.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical

information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

Dated: May 5, 1983.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 83-12434 Filed 5-9-83; 8:45 am]

BILLING CODE 7555-01-M

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemptions From Bond/Escrow, Requirement Relating Toi Sale of Assets By an Employer That Contributes To a Multiemployer Plan: Libby, McNeill & Libby, Inc. (California Canners and Growers)

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Libby, McNeill & Libby, Inc. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for a five plan year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Prior to granting an exemption, the PBGC is required to give interested persons an opportunity to comment on the exemption request. The effect of this notice is to advice interested persons of this exemption request and to solicit their views on it.

DATES: Comments must be submitted on or before June 24, 1983.

ADDRESSES: All written comments (at least three copies) should be addressed to: Assistant Executive Director for Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, Washington, D.C. 20006. The request for exemption and the comments received will be available for public inspection at the PBGC Public Affairs Office, Suite 7100, at the above address, between the hours of 9:00 a.m. and 4:00 p.m.

FOR FURTHER INFORMATION CONTACT: James M. Graham, Office of the Executive Director, Policy and Planning (140), Pension Benefit Guaranty Corporation, 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-4862. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980, (ERISA) provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in secfion 4204(a)(1)(A)-(C), are that—

(A) The purchaser has an obligation to contribute to the plan for substantially the same number of contribution base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred; and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation ("PBGC") to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 42404 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. The granting of an exemption or variance from the requirements of section 4204(a)(1)(B) does not constitute a finding by PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets, (46 FR 46127 (1981)), the PBGG shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 2643.3(b) of the regulation requires the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Libby, McNeill & Libby, Inc. ("Libby") for an exemption from the requirement of ERISA section 4204(a)(1)(B). The exemption request concerns a sale of certain assets by Libby to California Canners and Growers ("Cal Can"). In the request, Libby represents, among other things, that:

1. Effective June 17, 1982, Libby sold, in addition to other assets, its plants and facilities located at Yakima, Washington and Gridley, California to Cal Can. Effective on the same date, Libby leased its plant and facilities at Sunnyvale, California for a five-year period to Cal Can. (On December 17, 1982, Libby sold the Sunnyvale facility to Lincoln Mathilda Associates, Ltd., which took the facility subject to the lease to Cal Can.)

2. In connection with this sale and lease, Cal Can has assumed the responsibilities of Libby under the following collective bargaining agreements:

(a) Master Collective Bargaining Agreement between California Processors, Inc. and Teamsters California State Council of Cannery and Food Processing Unions, International

Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers as adopted June 25, 1979;

(b) Collective Bargaining Agreement dated June 1, 1979 between Libby (Yakima, Washington) and Fruit & Vegetable Packers and Warehousemen International Brotherhood of Teamsters Local No. 760;

(c) Collective Bargaining Agreement dated July 1, 1981 between Libby (Gridley, California Factory Office) and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local No. 849; and

(d) Collective Bargaining Agreement dated January 7, 1981 between Libby (Sunnyvale, California Factory Office) and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local No. 679.

These agreements obligate Cal Can to contribute to the Western States Food Processing Industry Employees Pension Plan ("Western States Plan") and the Western Conference of Teamsters Pension Trust Fund ("Western Conference Plan"). Libby or members of its controlled group are continuing as contributing employers to both plans. The purchased and leased operations represent at least 70 percent of Libby's contribution obligation to each plan. (PBGC takes no position as to whether there has been a complete or partial withdrawal with respect to the plans as a result of the transactions described above.)

4. In the purchase agreement, Libby agreed that, if the purchaser withdraws within five years of the date of the sale and fails to pay withdrawal liability, it would be secondarily liable for any withdrawal liability the seller would have had to the plan but for the operation of ERISA section 4204. The purchase agreement further provides that Cal Can will have an obligation to make contributions to the Western Conference Plan and the Western States Plan for substantially the same number of contribution base units for which Libby was obligated prior to the sale.

5. The following chart lists the two multiemployer plans for which an exemption is requested, the estimated amount of Libby's and Cal Can's withdrawal liability (excluding the liability attributable to the purchased operations from Libby), and the estimated amount of the bond/escrow that would be required under ERISA section 4204(a)(1)(B) with respect to each such plan:

Plan	Estimate of seller's liability	Estimate of purchaser's liability	Amount of bond/ escrow
Western Conference Plan	$2,168,749	$5,405,918	[1] $424,558
Western States Plan	650,000	3,300,000	[2] 365,428
Total	2,818,749	8,705,918	789,986

[1] The amount represents the average annual contribution that Libby made to the Western Conference Plan for the three plan years preceding the plan year in which the sale occurred.
[2] The amount represents the annual contribution required to be made by Libby to the Western States Plan for plan year 1981.

6. Cal Can is a nonprofit agricultural cooperative association organized for the purpose of processing and marketing fruits and vegetables delivered by its members. According to its audited financial statement, Cal Can had total net assets for its fiscal year ended May 31, 1982 of approximately $42 million. It total unencumbered net assets for that year was $20.6 million, of which $7.7 million was in "trademarks and other" assets. Cal Can suffered losses in each of its fiscal years 1980–1982, with the average net loss for the three year period of about $14.9 million.

7. Cal Can has indicated that it concurs in the request for exemption submitted by Libby.

8. A copy of the request has been sent by Libby to the plans and the collective bargaining representatives of the seller's former employees.

Comment

All interested persons are invited to submit written comments on the pending class exemption to the above address, on or before June 24, 1983. All comments will be made a part of the record. Comments received, as well as the relevant information submitted in support of the application for exemption, will be available for public inspection at the address set forth above.

Issued at Washington, D.C. on this 5th day of May 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 83-12526 Filed 5-9-83; 8:45 am]

BILLING CODE 7708-01-M

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service.

ACTION: Interim notice of modification to an existing system of records.

SUMMARY: The purpose of this notice is to modify a routine use of a Postal Service system of records, system USPS 050.020, Finance Records—Payroll System. This change is necessary due to the FICA deduction information disclosure which must be made in compliance with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). System USPS 050.020 was last published in 48 FR 10971, dated March 15, 1983.

EFFECTIVE DATE: May 10, 1983. This notice is effective on an interim basis, in order to correspond with the implementation provisions of the TEFRA. However, interested persons are invited to submit written data, views, or arguments concerning the change in compliance with 5 U.S.C. 552a(e)(11). Comments must be received on or before June 13, 1983.

ADDRESS: Comments may be mailed to the Records Officer, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260, or delivered to Room 8121 at the above address between 8:15 a.m. and 4:45 p.m. Comments received may also be inspected during the above hours in Room 8121.

FOR FURTHER INFORMATION CONTACT: Martha J. Smith (202) 245–5568.

SUPPLEMENTARY INFORMATION: With the recent passage of the TEFRA, medicare coverage has been extended to postal employees who are participants of the Civil Service Retirement System. As a result, the wages of such employees are now subject to the hospital insurance portion of the FICA tax and routine use 6 of system USPS 050.020, Finance Records—Payroll System, must be modified as follows to describe the information disclosure that is necessary to administer this activity:

USPS 050.020, Finance Records—Payroll System

"6. FICA Deductions—The Social Security Act requires that FICA deductions be made for those employees not eligible to participate in the Civil Service Retirement System (casuals). In addition, the Tax Equity and Fiscal Responsibility Act of 1982 requires that contributions to the Medicare program be deducted from all employees' earnings. (These statutes do not apply to employees in the Trust Territories who are not U.S. citizens.) Accordingly, records of earnings (i.e., W–2 information) must be disclosed to the Social Security Administration in order that it may account for funds received and determine individual's eligibility for benefits. Information disclosed includes name, address, SSN, wages paid subject to withholding, Federal, state and local income tax withheld, total FICA wages

paid and FICA tax withheld, occupational tax, life insurance premium and other information as reported on an individual's W-2 form."

A complete statement of the system as revised appears below:

USPS 050.020

SYSTEM NAME:

Finance Records—Payroll System, 050.020.

SYSTEM LOCATION:

Payroll system records are located and maintained in all Departments, facilities and certain contractor sites of the Postal Service. However, Postal Data Centers are the main locations for payroll information. Also, certain information from these records may be stored at emergency records centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former USPS employees and postmaster relief/replacement employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain general payroll information including retirement deduction, family compensations, benefit deductions, accounts receivable, union dues, leave data, tax withholding, allowances, FICA taxes, salary, name, social security number, payments to financial organizations, dates of appointment or status changes, designation codes, position titles, occupation code, addresses, records of attendance, and other relevant payroll information. Also includes automated Form 50 records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 1003, 5 U.S.C. 8339.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—

1. Information within the system is for handling all necessary payroll functions and for use by employee supervisors for the performance of their managerial duties.

2. To provide information to USPS Management and executive personnel for use in selection decisions and evaluation of training effectiveness. These records are examined by the Selection committee and Regional Postmasters General.

3. To compile various lists and mailing lists, i.e., Postal Leader, Women's Programs, Newsletter, etc.

4. To support USPS Personnel Programs such as Executive Leadership, Non-Bargaining Positions Evaluations of Probationary Employees, Merit Evaluation, Membership and Identification Listings, Emergency Locator Listings, Mailing Lists, Women's Programs, and to generate retirement eligibility information and analysis of employees in various salary ranges.

Use—

1. Retirement Deduction—To transmit to the Office of Personnel Management a roster of all USPS employees under Title 5 U.S.C. 8334, along with a check.

2. Tax information—To disclose to Federal, State and local government agencies having taxing authority, pertinent records, relating to individual employees, including name, home address, social security number, wages and taxes withheld for other jurisdiction.

3. Unemployment Compensation Data—To reply to State Unemployment Offices at the request of separated USPS employees.

4. Employee Address File—For W-2 tax mailings and Postal mailing such as Postal Life, Postal Leaders, etc.

5. Salary payments and allotments to financial organizations—To provide pertinent information to organizations receiving salary payments or allotments as elected by the employee.

6. FICA Deductions—The Social Security Act requires that FICA deductions be made for those employees not eligible to participate in the Civil Service Retirement System (casuals). In addition, the Tax Equity and Fiscal Responsibility Act of 1982 requires that contributions to the Medicare program be deducted from all employees' earnings. (These statutes do not apply to employees in the Trust Territories who are not U.S. citizens.) Accordingly, records of earnings (i.e., W-2 information) must be disclosed to the Social Security administration in order that it may account for funds received and determine individual's eligibility for benefits. Information disclosed includes name, address, SSN, wages paid subject to withholding, Federal, state and local income tax withheld, total FICA wages paid and FICA tax withheld, occupational tax, life insurance premium and other information as reported on an individual's W-2 form.

7. Determine eligibility for coverage and payment of benefits under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and transfer related records as appropriate.

8. Determine the amount of benefit due under the Civil Service Retirement System, the Federal Employees' Group Life Insurance Program and the Federal Employees Health Benefits Program and authorizing payment of the amount and transfer related records as appropriate.

9. Transfer to Office of Workers' Compensation Program Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, military retired pay programs, and Federal Civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system.

10. Transfer earnings information under the Civil Service Retirement System to the Internal Revenue Service as requested by the Internal Revenue Code of 1954, as amended.

11. Transfer information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance, 4 East 24th Street, New York, NY 10010.

12. Transfer information necessary to support a claim for health insurance benefits under the Federal Employees' Health Benefits Program to a health insurance carrier or plan participating in the program.

13. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

14. To request or provide information from or to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefits.

15. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies; may also be utilized to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel

research or other personnel management functions.

16. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

17. Certain information pertaining to Postal Supervisors may be transferred to the National Association of Postal Supervisors.

18. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

19. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

20. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

21. Inactive records may be transferred to a GSA Federal Records Center prior to destruction.

22. To provide to the Office of Personnel Management (OPM) approximately 19 data elements (including SSAN, DOB, service computation date, retirement system, and FEGLI status) for use by OPM's Compensation Group. Data collected are not for the purpose of making determination about specific individuals but are used only as a means of ensuring the integrity of the active employee/annuitant data systems and for analyzing and statistically projecting Federal retirement and insurance system costs. The same data submission will be used to produce summary statistics for reports of Federal employment.

23. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission, upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613, and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

24. Records in this system are subject to review by an independent certified public accountant during an official audit of Postal Service finances.

25. May be disclosed to a Federal or State agency providing parent locator services or the other authorized persons as defined by Pub. L. 93–647.

26. (Temp.) Disclosure of information about postal employees on the employment rolls of the Philadelphia, Pennsylvania, School District (PSD) may be made to the PSD for a one-time comparison with the PSD's time/attendance/payment files. (Note: this routine use will be in effect for a period of one year from its effective date.) (Proposed)

27. To union-sponsored insurance carriers for the purpose of determining eligibility for coverage and payment of benefits under union-sponsored, nonfederal insurance plans and transferring related records as appropriate. (Proposed)

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms, magnetic tape, microforms, punched cards, computer reports and card forms.

RETRIEVABILITY:

These records are organized by location, name and social security number.

SAFEGUARDS:

Records are contained in locked filing cabinets; are also protected by computer passwords and tape library physical security.

RETENTION AND DISPOSAL:

Records are retained and updated throughout employment with the Postal Service. Upon separation records become historical data, this data is retained at the local site for two years then forwarded to the Federal Records Center nearest the pay location.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Finance Department and APMG, Employee Relations Department at Headquarters.

NOTIFICATION PROCEDURE:

Request for information on this system of records should be made to the head of the facility where employed, giving full name and social security number. Headquarters employees should submit request to the System Manager.

RECORD ACCESS PROCEDURE:

See Notification above.

CONTESTING RECORD PROCEDURES:

See Notification above.

RECORD SOURCE CATEGORIES:

Information is furnished by employees, supervisors and the Postal Source Data System.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83–12606 Filed 5–9–83; 8:45 am]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) Collection title: Application for Employee Annuity Under the Railroad Retirement Act.

(2) Form(s) submitted: AA–1, AA–1d, G–214, G–204.

(3) Type of request: Revision.

(4) Frequency of use: On occasion.

(5) Respondents: Applicants for annuities.

(6) Annual responses: 34,800.

(7) Annual reporting hours: 15,560.

(8) Collection description: The RRA provides for payment of age, disability and supplemental annuities to qualified employees. The application and related forms obtain information about the applicant's family, work history, military service, disability benefits from other government agencies and public or private pensions. The information is used to determine entitlement to and amount of annuity applied for.

(1) Collection title: Application for Spouse Annuity Under the Railroad Retirement Act.

(2) Form(s) submitted: AA–3.

(3) Type of request: Revision.

(4) Frequency of use: On occasion.

(5) Respondents: Applicants for Spouse Annuities Under RRA.

(6) Annual responses: 21,000.

(7) Annual reporting hours: 9,100.

(8) Collection description: The Railroad Retirement Act provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the Act. The application will obtain information supporting the claim for benefits based

on being a spouse of an annuitant. The information will be used for determining entitlement to and amount of annuity applied for.

(1) Collection title: Self-Employment Questionnaire.
(2) Form(s) submitted: AA–4.
(3) Type of request: New.
(4) Frequency of use: On occasion.
(5) Respondents: Applicants for employee or spouse annuities.
(6) Annual responses: 600.
(7) Annual reporting hours: 150.
(8) Collection description: Section 2 of the RRA provides for payment of annuities to qualified employees and their spouses. In order to receive an annuity, the applicant must stop all railroad work and all work for pay outside the railroad industry that is considered 'last person service' (LPS). This collection obtains information about the applicant's self-employment work to be used in making an LPS determination.

(1) Collection title: Applications for survivor annuities.
(2) Form(s) submitted: AA–17, AA–17b, AA–18, AA–19, AA–19a, AA–19s, AA–20, G–476c.
(3) Type of request: Revision.
(4) Frequency of use: On occasion.
(5) Respondents: Individuals applying for survivor annuities.
(6) Annual responses: 23,000.
(7) Annual reporting hours: 8,330.
(8) Collection description: The applications obtain information from widow(er)s, children and parents of deceased railroad workers to support claims for survivor benefits. The information will be used for determining entitlement to and amount of annuity applied for.

(1) Collection title: Notice of payment of separation allowance.
(2) Form(s) submitted: UI–13.
(3) Type of request: Extension.
(4) Frequency of use: On occasion.
(5) Respondents: Railroad employers.
(6) Annual responses: 1,500.
(7) Annual reporting hours: 375.
(8) Collection description: Under the Railroad Unemployment Insurance Act, a railroad employee who is paid a separation allowance is disqualified for unemployment and sickness benefits for the period of time the employee would have worked to earn the amount of a separation allowance. The notice will obtain the information needed for determining the disqualification period.

Additional information or comments: Copies of the proposed forms and supporting documents may be obtained from Pauline Lohens, the agency clearance officer (312–751–4692). Comments regarding the information collection should be addressed to Pauline Lohens, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Milo Sunderhauf (202–395–6880), Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503.

William A. Oczkowski,
Director of Planning and Information Management.

[FR Doc. 83-12480 Filed 5-9-83; 8:45 am]
BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 13211; 812-5488]

HVA Money Market Fund, Inc.; Filing of Application

May 3, 1983.

Notice is hereby given that HVA Money Market Fund, Inc. ("Applicant"), Hartford Plaza, Hartford, Connecticut 06115, an open-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on March 9, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to maintain a $1.00 per share purchase, redemption and repurchase price for its shares by means of the amortized cost method of portfolio valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the complete text of those provisions of the Act from which Applicant seeks an exemption.

According to the application, investments made by Applicant will be in money market securities with emphasis on obtaining a high level of current income, consistent with liquidity and preservation of capital. Applicant states that it will pursue its investment objective by investing in various instruments: obligations of the U.S. Government and its agencies and instrumentalities; money market instruments, such as bank certificates of deposit, finance company commercial paper, corporate commercial paper, bankers' acceptances and repurchase agreements; and corporate bonds, notes and other debt instruments.

Applicant represents that its assets will consist entirely of cash and investments having a stated maturity date of less than twelve months from the date of purchase and that some investments may have a stated term or maturity date as short as one day. Applicant represents further that the average maturity of the portfolio will vary according to the investment adviser's appraisal of money market conditions.

Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant indicates that its executive management has determined that absent unusual or extraordinary circumstances, the amortized cost method of valuing Applicant's portfolio of money market securities is appropriate and in Applicant's best interests and will reflect the fair value of such securities. Applicant also avers that its executive management is of the view that it will be advantageous to Applicant's shareholders to have the conveniences and advantages of the stable purchase, redemption and repurchase price of $1.00 per share which the amortized cost method of valuing money market portfolio securities would provide. Furthermore, Applicant states that before it utilizes the amortized cost method of valuation its board of directors will determine that, absent unusual circumstances, use of that valuation method is appropriate and in the best interests of Applicant and will reflect the fair value of Applicant's portfolio securities. Thus, Applicant submits that its use of the amortized cost method of valuing its money market portfolio securities, subject to certain conditions to which it agrees, will benefit its shareholders.

If the requested exemption is granted by the Commission, Applicant agrees to adhere to the following conditions:

1. In supervising Applicant's operations and delegating special responsibilities involving management of the portfolio of Applicant to Applicant's investment adviser, Applicant's board of directors—as a particular responsibility within the overall duty of care owed to its shareholders—agrees to establish procedures reasonably designed, taking into account current market conditions and the investment objectives of Applicant, to stabiize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors shall be the following:

(a) Review by Applicant's board of directors, when it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of Applicant's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review. To fullfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value which may include, among other things: (1) Quotations or estimates of market value of individual portfolio instruments, or (2) values obtained from yield data relating to classses of money market instruments published by reputable sources.

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) When Applicant's board of directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action, as it deems appropriate, to eliminate or to reduce to the extent reasonably practicable, such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the maturity of Applicant's portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not: (a) Purchase any instrument with a remaining maturity of greater than twelve months, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average protfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce its dollar-weighted average portfolio maturity to 120 days or less, as soon as reasonably practicable.

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments including repurchase agreements, to those United States dollar denominated instruments which the board of directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's directors.

6. Applicant will include in each of its quarterly reports, as an attachment to Form N-1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will described the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than May 27, 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. 83-12504 Filed 5-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13206; 812-5520]

Nationwide Life Insurance Co. and Nationwide DC Variable Account; Application

April 29, 1983.

Notice is hereby given, That Nationwide Life Insurance Company ("Nationwide Life"), One National Plaza, Columbus, Ohio 43216, a stock life insurance company organized under the laws of the State of Ohio, and Nationwide DC Variable Account ("DCVA"), a unit investment trust registered under the Investment Company Act of 1940 ("Act") (collectively "Applicants"), filed an application on April 8, 1983 and an amendment thereto on April 27, 1983, for an order amending a prior order of the Commission pursuant to Section 11 of the Act approving the terms of certain offers of exchange. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and are referred to the Act for a statement of the relevant statutory provision.

DCVA was established by Nationwide Life in connection with the sale of certain Group Flexible Fund Retirement Contracts. Purchase payments less applicable charges are allocated at the discretion of the contract owner (or participant if permitted by the retirement plan) to the General Account and/or to one or more series of the DCVA, each of which represents investment in shares of a separate diversified, open-end,

management investment company registered under the Act (collectively, the "Eligible Funds"). The Eligible Funds are: Nationwide Fund, Nationwide Money Market Fund, Seligman Growth Fund, Putnam Investors Fund, Inc., Massachusetts Capital Development Fund, Inc. ("MCD"), Massachusetts Financial High Income Trust ("MFHI") and Massachusetts Investors Growth Stock Fund, Inc. Shares of Eligible Funds are sold to the DCVA at net asset value.

Applicants received an order of the Commission on December 23, 1974 (Investment Company Act Rel. No. 8622) granting exemptions from various provisions of the Act and pursuant to Section 11 of the Act approving the terms of certain offers of exchange. Applicants now seek an order of the Commission amending this prior order to allow the addition of three new series to the DCVA: the Fidelity High Income Fund, Fidelity-Equity Income Fund, and Twentieth Century Growth Investors. Applicants propose to permit contract owners (or participants if permitted by the retirement plan) to make two transfers of unit values among the series of the DCVA each calendar year without charge. For each additional transfer, an administrative charge of $5 will be assessed. EAch exchange request must involve either unit value having an aggregate value of at least $1000 or all of that participant's unit value in the series. Upon receipt of an exchange request, Nationwide Life will transfer the amount to be converted in accordance with Rule 22c–1 under the Act. Such transfers will be based on the accumulation unit values of the affected series at the close of business on the day such transfer occurs. The MCD and the MFHI series are an exception to the extent that no more than two exchanges of unit value by a participant into such a series may be made during any calendar year.

Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to permit the proposed offer of exchange rights described above, where permitted under applicable law and by the retirement plan under which a given contract is issued.

Notice is further given, That any interested person wishing to request a hearing on the application may, not later than May 23, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–12503 Filed 5–9–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 13212; 812–5532]

Sun Life Assurance Company of Canada (U.S.), et al.; Application

May 4, 1983.

Notice is hereby given, That Sun life Assurance Company of Canada (U.S.), Sun Life of Canada (U.S.) Variable Account C ("Variable Acount C"), 1 Sun Life Executive Park Wellesley Hills, MA 02181 a separate account registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and Clarendon Insurance Agency, Inc. 200 Berkely Street, Boston Mass. 02116 (collectively, "applicants") filed an application pursuant to Section 11 of the Act on April 14, 1983 and an amendement thereto on May 2, 1983 for an order of the Commission approving the terms of certain offers of exchange. All interested persons are referred to the application and amendment on file with the Commission for a statement of the facts and representations contained therein, which are summarized below, and are referred to the act for a statement of the relevant statutory provision.

Variable Account C was established for use with respect to certain variable annuity contracts. Assets of Variable Account C are divided into sub-accounts. Each sub-account invests exclusively in shares of one of nine specific mutual funds. In Investment Company Act Release No. 12831 (November 18, 1982), the Commission approved, pursuant to Section 11 of the Act, the terms of offers of exchange of variable accumulation units of one sub-account for variable accumulation units of another, of fixed accumulation units for variable accumulation units and vice versa, and, after the annuity commencement date, of variable units of one sub-account for variable units of another sub-account. Applicants propose to offer exchanges of units of an additional sub-account which invests in Massachusetts Financial Emerging Growth Trust. These exchanges will be made on the basis of relative net asset values without the deduction of any fees or charges.

Applicants request approval pursuant to Sections 11(a) and 11(c) of the Act to permit Applicants to provide the exchange right described above.

Notice is further given, That any interested person wishing to request a hearing on the application may, not later than May 31, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicants at the addresses 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 or 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 delelgated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83–12507 Filed 5–9–83; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 19726; File No. SR–MSRB–82–15]

Municipal Securities Rulemaking Board; Order Withdrawing Proposed Rule Change

May 3, 1983.

The Municipal Securities Rulemaking Board ("MSRB") on December 21, 1983, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) ("Act"), and Rule 19b–4 thereunder, a proposed rule change that would have amended MSRB Rule G–12(e)(v)(B), on uniform practice in the delivery of securities. The proposed rule change would have required that certificates of $5,000 par value denominaton be delivered on all transactions of registered securities issued on or after January 1, 1983, and settled prior to January 1, 1985, unless the parties agreed otherwise.

Notice of the proposed rule change, including the terms of substance, was published in Securities Exchange Act Release No. 19384 (December 30, 1982), (48 FR 3066, Jan. 24, 1983). The Commission received three comment letters, all of which opposed the proposed rule change. All three of the commentators said that the increased number of certificates which would have been required by the proposed rule change would have entailed significant expenses.

The MSRB, by letter dated April 25, 1983, notified the Commission that it had determined to withdraw the proposed rule change. After reviewing the comment letters on the proposed rule change, the MSRB determined that the increased burdens which would have been imposed upon issuers, transfer agents, and other market participants, would have exceeded the benefits of the proposed rule change. They also noted that the use of certain automated clearance techniques might help to alleviate some of the clearance difficulties which originally prompted submission of the proposed rule change. Although the MSRB stated that it continues to be concerned that the municipal securities industry may experience clearance delays due to the use of larger denomination certificates, particularly during the period immediately following the effective date of the registration provisions of Tax Equity and Fiscal Responsibility Act of 1982, as amended, they believe that the withdrawal of the proposed rule change is in the best long-term interests of all participants in the municipal securities markets.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change be, and hereby is, withdrawn.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12502 Filed 5-9-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19727; File No. SR-NSCC-83-4]

Filing and Immediate Effectiveness of a Proposed Rule Change By National Securities Clearing Corporation

The National Securities Clearing Corporation ("NSCC") on April 7, 1983, filed with the Commission a proposed rule change, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934, that modifies NSCC Rule 7, Section 5 by: (1) Expanding the categories of trade data that NSCC can accept from self-regulatory organizations ("SRO's") on behalf of NSCC participants and (2) increasing the number of NSCC systems that can receive that data. Under the proposed rule change, NSCC can accept from other SRO's on behalf of SRO members that also are NSCC participants compared trade data to be included in NSCC's automated clearance and settlement systems, *e.g.*, NSCC's continuous net settlement ("CNS") system. That compared trade data could reflect net securities transactions due to be cleared and settled at NSCC. Previously, NSCC only could accept for inclusion in NSCC's trade comparison operation initial or supplementary trade data from "marketplace regulators," *i.e.*, national securities exchanges and the National Association of Securities Dealers, Inc., or from service bureaus performing back-office functions for NSCC participants. In addition, the proposed rule change clarifies that any report of initial, supplemental or compared trade data that is received under the Rule is deemed by NSCC to be authorized by the NSCC participant on whose behalf the report is made.

In its filing, NSCC explains that the proposal's primary purpose is to facilitate NSCC participants' use of NSCC's CNS system for securities transactions required to be confirmed and affirmed through the National Institutional Delivery System of several registered securities depositories. NSCC believes that the proposed rule change will facilitate the prompt and accurate clearance of securities transactions and will foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Securities Exchange Act of 1934 and Rule 19b-4 thereunder. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate the 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 Securities Exchange Act of 1934.

Publication of the submission is expected to be made in the **Federal Register** during the week of May 9, 1983. Interested persons are invited to submit written data, views and arguments concerning the submission within twenty-one days from the date of publication in the **Federal Register**. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Reference should be made to File No. SR-NSCC-83-4.

Copies of the submission, with accompanying exhibits, and of all written comments will be available for public inspection at the Securities and Exchange Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. Copies of the filing will also be available at the principal office of the above-mentioned self-regulatory organization.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12506 Filed 5-9-83; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 2, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Potomac Electric Power Company
- Common Stock, $10 Par Value (File No. 7-6617)
- $2.44 Convertible Cumulative Preferred Series of 1966 (File No. 7-6618)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.[1]

Interested persons are invited to submit on or before May 23, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this

[1] These securities are currently listed and registered on the Philadelphia Stock Exchange, Inc. ("Phlx"). However, at the request of Potomac Electric Power Company ("Company") the Phlx filed an application on April 28, 1983 to remove the above securities, as well as other issues of the company, from listing and registration on the Exchange. The Phlx has indicated to the Commission staff that it wishes to continue to trade the above securities pursuant to unlisted trading privileges to avoid any lapse in trading.

opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-12305 Filed 5-9-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Application No. 02/02-0463]

County Capital Corp.; Application for License To Operate as a Small Business Investment Company

An Application for a License to Operate as a Small Business Investment Company under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by County Capital Corp., 25 Main Street, Southampton, New York 11968, with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1982).

The officers, directors and shareholders are as follows:

President, Treasurer, Director 20%
Myron Jaffe, 182 Hungry Habor Road, Valley Stream, New York 11581
Vice President Secretary, Director 20%
Carl A. Weise, 89 Tenth Street, Garden City, New York 11530
Vice President Director 20%
Edward V. Walsh, Jr., 19 St. Paul's Place, Garden City, New York 11530

The Applicant, a New York corporation will begin operations with $500,000 paid-in capital and paid-in surplus, and will conduct its activities primarily in the State of New York.

The Applicant intends to provide financial assistance to small business concerns for their growth, modernization and expansion and will render other management consulting services.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments on the proposed Applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 4, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-12529 Filed 5-9-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 02/02-0434]

Faulkner Investment Company; License Surrender

Notice is hereby given that Faulkner Investment Company, 870 Seventh Avenue, New York, New York 10019, has surrendered its license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). Faulkner Investment Company was licensed by the Small Business Administration on November 5, 1981.

Under the authority vested by the Act and pursuant to Regulations promulgated thereunder, the surrender of the License was accepted on April 21, 1983, and accordingly, all right, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 4, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-12530 Filed 5-9-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-5330]

Fook Wah Co., Inc.; Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) (Act) been filed by Fook Wah Company, Inc., with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The officers, directors and stockholders of the applicant are as follows:

Director, President, Chairman of the Board; Chief Financial Officer
Ronald F. T. Wong, 540 Darrell Road, Hillsborough, CA 94010
Director and Secretary
Ronald G. Tong, 846 Clayton Street, San Francisco, CA 94117
Director, Vice President General Manager
Vincent M. Chinn, 55 Fallon Place, San Francisco, CA 94133

The Applicant, a California corporation, with its principal place of business at 738 Washington Street, San Francisco, California 94108, will begin operations with $1,006,000 of paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of California.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under Act and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 4, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-12527 Filed 5-9-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0326]

I. K. Capital Loans Co. Ltd.; Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1983)), under the name of I. K. Capital Loans Company, Ltd., 8601 Wilshire Boulevard, Suite 600, Beverly Hills, California 90211, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 *et seq.*), and the Rules and Regulations promulgated thereunder.

The officers, directors and stockholders of the applicant are as follows:

Director, Chief Financial Officer, Assistant Secretary and Sole Stockholder
Iraj Kermanshahchi, 8601 Wilshire Boulevard, Suite 600, Beverly Hills, California 90211
Director and President
Thomas O. Rockefeller, 900 Lombard Court, Costa Mesa, California 92626
Director, Vice President and Secretary
Albert J. Ashkar, Jr., 8383 Wilshire Boulevard, Suite 900, Beverly Hills, California 90211
Assistant Secretary
Edna Negari, 519 Chalette Drive, Beverly Hills, California 90210

The applicant, a California corporation, with its principal place of business at 8601 Wilshire Boulevard, Suite 600, Beverly Hills, California 90211, will begin operations with $1,020,000 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of California.

Matters involved in SBA's consideration of the application include the general business reputation and character of proposed managers, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this Notice, submit written comments to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Beverly Hills, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 4, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-12528 Filed 5-9-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 97; Rev. 22]

Delegation of Authority; Chief, Examination Support Section/Staff or Returns Program Manager

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This delegation order is revised to provide for the redelegation of authority to enter into closing agreements concerning internal revenue tax liability to the Chief, Examination Support Section/Staff or Returns Program Manager with respect to agreements concerning the administrative disposition of certain tax shelter cases. The text of the delegation order appears below.

EFFECTIVE DATE: May 4, 1983.

FOR FURTHER INFORMATION CONTACT: J. J. Thomassen OP:EX:I:E, 1111 Constitution Ave., NW., Roon 2406, Washington, D.C. 20224, telephone (202) 566-6466 (Not a toll-free telephone number).

This document does not meet the criteria for significant regulations set forth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Robert Ackerman,

Acting Director, Office of IRP, Service Center and Support Programs.

Order No. 97 (Rev. 22)

Effective date:

Closing Agreements Concerning Internal Revenue Tax Liability

Pursuant to authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7121-1(a); Treasury Department Order No. 150-32; Treasury Department Order No. 150-36; and Treasury Department Order No. 150-83; subject to the transfer of authority covered in Treasury Department Order No. 221, as modified by Treasury Department Order No. 221-3 (Rev. 2), as revised, this authority is hereinafter delegated.

1. The Chief Counsel is hereby authorized in cases under his/her jurisdiction to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) in respect to any prospective transactions or completed transactions if the request to the Chief Counsel for determination or ruling was made before any affected returns have been filed.

2. The Deputy Chief Counsel and the Assistant Commissioner (Examination), are hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) for a taxable period or periods ended prior to the date of agreement and related specific items affecting other taxable periods. The Associate Commissioner (Operations) is also authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she act) with respect to the performance of his/her functions as the competent authority under the tax conventions of the United States.

3. The Assistant Commissioner (Employee Plans and Exempt Organizations) is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) in cases under his/her jurisdiction, that is, in respect of any transaction concerning empolyee plans or exempt organizations.

4. Regional Commissioners; Regional Counsel; Regional Directors of Appeals; Assistant Regional Commissioners (Examinations); District Directors; Chiefs and Associate Chiefs of Appeals Offices; and Appeals Team Chiefs with respect to his/her team cases, are hereby authorized in cases under their jurisdiction (but excluding cases docketed before the United States Tax Court) to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) for a taxable period ended prior to the date of agreement and related specific items affecting other taxable periods.

5. the Associate Chief Counsel (Technical); the Assistant Commissioner (Employee Plans and Exempt Organizations); Regional Commissioners; Regional Counsel; Regional Directors of Appeals; Chiefs

and Associates Chiefs of Appeals Offices; and Appeals Team Chiefs with respect to his/her team cases, are hereby authorized in cases under their jurisdiction docketed in the United States Tax Court and in other Tax Court cases upon the request of Chief Counsel or his/her delegate to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) but only in respect to related specific items affecting other taxable periods.

6. The Director, Foreign Operations District, is hereby authorized to enter into and approve a written agreement with any person relating to the Internal Revenue tax liability of such person (or of the person or estate for whom he/she acts) to provide for the mitigation of economic double taxation under section 3 of Revenue Procedure 64–54, C.B. 1964–2, 1008, under Revenue Procedure 72–22, C.B. 1972–1, 747, and under Revenue Procedure 69–13, C.B. 1969–1, 402, and to enter into and approve a written agreement providing the treatment available under Revenue Procedure 65–17, C.B. 1965–1, 833.

7. The authority delegated herein does not include the authority to set aside any closing agreement.

8. Authority delegated in this Order may not be redelegated, except that the Chief Counsel may redelegate the authority contained in paragraph 1 to the Associate Chief Counsel (Technical) and to the technical advisors on the staff of the Associate Chief Counsel (Technical) for cases that do not involve precedent issues, the Assistant Commissioner (Examination) may redelegate the authority contained in paragraph 2 of this Order to the Deputy Assistant Commissioner (Examination), the Deputy Chief Counsel may redelegate the authority in paragraph 2 of this Order but not lower than the Deputy Associate Chief Counsel (Litigation), and the Assistant Commissioner (Employee Plans and Exempt Organizations) may redelegate the authority contained in paragraph 3 of this Order to the Deputy Assistant Commissioner (Employee Plans and Exempt Organizations) and to the Technical Advisors on the staff of the Assistant Commissioner (Employee Plans and Exempt Organizations) for cases that do not involve precedent issues; and District Directors may redelegate the authority contained in paragraph 4 of this Order but not below the Chief, Quality Review Staff, or Section Chief, Quality Review Staff, with respect to all matters, and not below the Chief, Examination Support Staff/Section, or Returns Program manager, with respect to agreements concerning the administrative disposition of certain tax shelter cases.

9. Delegation Order No. 97 (Rev. 21), effective October 8, 1982, is hereby superseded.

Dated: 11, April 11, 1983.

James I. Owens,

Deputy Commissioner.

[FR Doc. 83-12497 Filed 5-9-83; 8:45 am]

BILLING CODE 4830-01-M

[Delegation Order No. 42; Rev. 19]

Delegation of Authority; Windfall Profit Tax Staff/Section et al.

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: This delegation order is revised to provide for the redelegation of authority to sign all consents fixing the period of limitations on assessment or collection to personnel assigned to the Windfall Profit Tax Staff/Section, Grade GS–11, and Automated Collection Branch Managers, Grade GS–9. The text of the Delegation Order appears below.

EFFECTIVE DATE: May 4, 1983.

FOR FURTHER INFORMATION CONTACT: Arthur Aron OP:C:O, Internal Revenue Service, 1111 Constitution Ave. NW., Room 7539, Washington, D.C. 20224, Telephone (202) 566–3131 (Not a toll-free telephone number).

This document does not meet the criteria for significant regulations set fourth in paragraph 8 of the Treasury directive appearing in the **Federal Register** for Wednesday, November 8, 1978.

Robert Ackerman,

Acting Director, Office of IRP, Service Center and Support Programs.

Order No. 42 (Rev. 19)

Effective date: March 7, 1983.

Authority to Execute Consents Fixing the Period of Limitations on Assessment or Collection Under Provisions of the 1939 and 1954 Internal Revenue Codes

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120; Order No. 150–2; 26 CFR 301.6501(c)–1; 26 CFR 301.6502–1; 26 CFR 301.6901–1(d); and 26 CFR 301.7701–9; the authority to sign all consents fixing the period of limitations on assessment or collection is delegated to the following officials:

a. Chief Counsel
b. Regional Counsel
c. Regional Directors of Appeals
d. Service Center Directors
e. District Directors

2. This authority may be redelegated but not below the following levels for each activity:

a. Service Centers—Chief, Accounting Branch; Chief, Correspondence and Processing Section; Revenue Officers; Chief, Quality Review Staff; Returns Program Managers; and personnel assigned to the Windfall Profit Tax Staff/Section, Grade GS–11;

b. Collection—Chiefs, Office Branches and Office Groups; Revenue Officers; Chiefs, Technical and Office Compliance Branches and Groups; Revenue Representative Supervisors; and Automated Collection Branch managers, Grade GS–9;

c. Examination—Reviewers, Grade GS–11; Group Managers; Case Managers; Returns Program Managers; Classifiers/Screeners, Grade GS–11; and personnel assigned to the Examination Support Staff/Section, Grade GS–11;

d. Criminal Investigation—Chiefs, Criminal Investigation Divisions, except this authority in streamlined districts is limited to the District Director;

e. Appeals—Appeals Officers;

f. Foreign Operations District—Representatives at foreign posts; Revenue Agents, Tax Auditors, and Special Agents on foreign assignments; and levels b, c, and d, above; and

g. District Employee Plans and Exempt Organizations—Reviewers, Grade GS–11; Group Managers.

3. No authority is delegated under this Order to the District Counsel.

4. Delegation Order No. 42 (Rev. 18), effective March 7, 1983, is superseded.

Dated: April 11, 1983.

James I. Owens,

Deputy Commissioner.

[FR Doc. 83-12498 Filed 5-9-83; 8:45 am]

BILLING CODE 4830-01-M

Office of the Secretary

Public Information Collection Requirements Submitted to OMB for Review

During the period April 22, through April 29, 1983 the Department of Treasury submitted the following public information collection requirement(s) to OMB (listed by submitting bureaus), for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of these submissions may be obtained from the Treasury Department Clearance Officer, by calling (202) 634–2179. Comments regarding these information collections

should be addressed to the OMB reviewer listed at the end of each bureau's listing and to the Treasury Department Clearance Officer, Room 309, 1625 "I" Street, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB No.: 1545–0182
Form No.: 4782
Title: Employer Moving Expense Information

OMB No.: 1545–0146
Form No.: 2553
Title: Election by a Small Business Corporation

OMB No.: 1545–0120
Form No.: 1099–G
Title: Statement for Recipient of Certain Government Payments

OMB No.: 1545–0117:
Form No.: 1099–OID
Title: Statement for Recipients of Original Issue Discount
OMB Reviewer: Norman Frumkin (202) 395–6880 Office of Management and Budget Room 3208, New Executive Office Building Washington, D.C. 20503

Alcohol, Tobacco and Firearms

OMB No.: 1512–0067
Form No.: ATF F 1473
Title: Shipment and Receipt Specially Denatured Tax-Free or Recovered Spirits

OMB No.: 1512–0205
Form No.: ATF F 5110.40
Title: Monthly Report of Production Operations

OMB No.: 1512–0072
Form No.: ATF F 1479 (5150.23)
Title: Application for Permit to Use Specially Denatured Spirits

OMB No.: 1512–0068
Form No.: ATF F 1474 (5150.30)
Title: Application for Permit to Deal in Specially Denatured Spirits

OMB No.: 1512–0066
Form No.: ATF F 1451 (5150.28)
Title: Report of Tax Free Alcohol User

OMB No.: 1512–0071
Form No.: ATF F 1478 (5150.10)
Title: Bonded Dealer's Report of Specially Denatured Alcohol or Rum

OMB No.: 1512–0075
Form No.: ATF F 1482 (5150.18)
Title: User's Report of Denatured Alcohol or Rum

OMB No.: 1512–0140
Form No.: ATF F 2622 (5150.26)
Title: Application to Procure, Reprocess, Bottle, Repackage, or Resell Products Containing SDA

OMB No.: 1512–0137
Form No.: AFT F 2600 (5150.22)
Title: Application for Permit to Use Alcohol Free of Tax

OMB No.: 1512–0123
Form No.: AFT F 1467 (5110.15)
Title: Details of Packages Filled with Denatured Spirits
OMB Reviewer: Judy Mcintosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Office of the Secretary

OMB No.: N/A (NEW SUBMISSION)
Form No.: TFR–611
Title: Report of Blocked Property

OMB No.: N/A (NEW SUBMISSION)
Form No.: None
Title: Survey to find Additional Sources of U.S. Currency Paper
OMB Reviewer: Richard Sheppard (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Bureau of the Public Debt

OMB No.: 1535–0010
Form No.: PD 1782
Title: Application for Redemption at par of U.S. Treasury Bonds eligible for Payment of Federal Estate Tax
OMB Reviewer: Norman Frumkin (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Comptroller of the Currency

OMB No.: 1557–0056
Form No.: CC 7022–01, CC 7022–12, CC 7022–13, CC 7022–14, CC 7020–17
Title: Application, Organizational Certificate and Legal Notice to Convert to a National Bank
OMB Reviewer: Richard Sheppard (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

U.S. Customs Service

OMB No.: 1515–0065
Form No.: CF 7501 A,B,C
Title: Consumption Entry; Consumption Entry Permit

OMB No.: 1515–0085
Form No.: CF 247
Title: U.S. Customs Service Cost Submission

OMB No.: 1515–0047
Form No.: CF 5523
Title: Invoice Details for Footwear
OMB Reviewer: Judy McIntosh (202) 395–6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Dated: May 3, 1983.

Cathy Thomas,

Acting Departmental Reports Management Officer.

[FR Doc. 83-12424 Filed 5-9-83; 8:45 am]

BILLING CODE 4810-25-M

[Supp. to Dept. Cir. Public Debt Series—No. 12–83]

Series M–1986; Interest Rate

May 4, 1983.

The Secretary announced on May 3, 1983, that the interest rate on the notes designated Series M—1986, described in Department Circular—Public Debt Series—No. 12–83 dated April 28, 1983, will be 9⅜ percent. Interest on the notes will be payable at the rate of 9⅜ percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-12421 Filed 5-9-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 91
Tuesday, May 10, 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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Federal Election Commission	2
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National Transportation Safety Board	5
Pacific Northwest Electric Power and Conservation Planning Council	6

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10: a.m., Thursday, May 12, 1983.

LOCATION: Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Cooperative efforts: Meeting with Industry and consumers

In observance of National Product Safety Week, the Commission will meet with representatives of consumer groups, industry trade organizations and manufacturers to discuss past, present and future cooperative activities.

(For a recorded message containing the latest agenda information, call 301-497-5709)

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207; 301-492-6800.

[S-661-83 Filed 5-6-83; 2:13 pm]

BILLING CODE 6355-01-M

2

FEDERAL ELECTION COMMISSION

["Federal Register" No. 633]

PREVIOUSLY ANNOUNCED DATE AND TIME: Tuesday, May 10, 1983, 10 a.m.

CHANGE IN MEETING: The following matter has been added to the agenda:

Review and referral procedures for Title 26 Presidential Candidates

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, May 12, 1983, 10 a.m.

CHANGE IN MEETING: The following matter has been tentatively added to the agenda:

EEO Procedures

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer, Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary of the Commission.

[S-660-83 Filed 5-6-83; 1:38 pm]

BILLING CODE 6715-01-M

3

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: Approximately 12 Noon, Monday, May 16, 1983, following a recess at the conclusion of the open meeting.

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: May 6, 1983.

James McAfee,

Associate Secretary of the Board.

[S-663-83 Filed 5-6-83; 3:58 pm]

BILLING CODE 6210-01-M

4

FEDERAL RESERVE SYSTEM

(Board of Governors)

TIME AND DATE: 10 a.m., Monday, May 16, 1983.

PLACE: Board Building, C Street enterence between 20th and 21st Streets NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of its routine nature, no substantive discussion of the following item is anticipated. This matter will be voted on without discussion unless a member of the Board requests that the item be moved to the discussion agenda.

1. Publication for comment of proposed amendments to Regulation O (Loans to Executive Officers, Directors and Principal Shareholders) to implement the Garn-St Germain Depository Institutions Act of 1982.

Discussion Agenda:

2. Proposed revision of Regulation Y (Bank Holding Companies and Change in Bank Control).

3. Proposals to simplify the processing of domestic applications by bank holding companies and state member banks.

4. Proposed general revision of Regulation T (Credit by Brokers and Dealers). (Proposed earlier for public comment; Docket Nos. R-0362 and R-0389)

5. Any items carried forward from a previously announced meeting.

Note.—This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: May 6, 1983.

James McAfee,

Associate Secretary of the Board.

[S-664-83 Filed 5-6-83; 3:58 pm]

BILLING CODE 6210-01-M

5

NATIONAL TRANSPORTATION SAFETY BOARD

[NM-83-11]

TIME AND DATE: 9 a.m., Tuesday, May 17, 1983.

PLACE: NTSB Board Room, 800 Independence Ave. SW., Washington, D.C. 20595.

STATUS: The first three items will be open to the public; the remaining items will be closed under Exemption 10 of the Government in the Sunshine Act.

MATTERS TO BE CONSIDERED:

1. *Marine Accident Report:* Explosion and Fire On Board the U.S. Coastal Tankship POLING BROS. NO. 9, East River, New York Harbor, February 26, 1982.

2. *Pipeline Accident Report:* Northern National Gas Company Natural Gas Pipeline Rupture, Explosion, and Fire, Hudson, Iowa, November 4, 1982.

3. *Special Interest Briefs:* of aviation accidents involving air traffic control as a cause or factor.

4. *Opinion and Order:* Petition of Meade, Docket SM-2898; disposition of the Administrator's appeal.

5. *Opinion and Order:* Petition of Williams, Docket SM–3037; disposition of the Administrator's appeal.

CONTACT PERSON FOR MORE INFORMATION: Sharon Flemming (202) 382–6525.

May 6, 1983.

[S–659–83 Filed 5–6–83; 12:45 pm]

BILLING CODE 4910–58–M

6

PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL

ACTION: Meeting notice.

STATUS: Open. A portion of the meeting scheduled for May 19 may be closed to the public to discuss personnel matters. The Council will consider the matter of closing a portion of this meeting as its first item of business on May 19.

TIME AND DATE: May 18, 1983, 3 p.m.; May 19, 1983, 10 a.m.

PLACE: Statehouse Inn, Alpine Room, 981 Grove Street, Boise, Idaho.

MATTERS TO BE CONSIDERED:

*Council adoption of responses to comments on Draft Energy Plan.

*Discussion of Draft Fiscal Year 1984 and Fiscal Year 1985 Budget and Future Activities.

*Adoption of wildlife land acquisition criteria pursuant to section 1004(b)(1) of the Fish and Wildlife Program.

*Council Business.

*Public comment will follow cash agenda item.

FOR FURTHER INFORMATION CONTACT: Ms. Bess Wong (503) 222–5161.

Edward Sheets,

Executive Director.

*Pursuant to 5 U.S.C. 552b.

[FR Doc. S–662–83 Filed 5–6–83; 2:33 pm]

BILLING CODE 0000–00–M

federal register

Tuesday
May 10, 1983

Part II

Department of Commerce

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing

I. *New Applications and Major Amendments to Deferred Applications.* Notice is hereby given that the following described applications for Federal financial assistance are accepted for filing under provisions of Title III, Part IV, of the Communications Act of 1934, as amended (47 U.S.C. 390–94) and in accordance with 15 CFR part 2301. All of the applications listed in this section were received postmarked by February 28, 1983. The effective date of acceptance of these proposals, unless otherwise indicated herein, is "Date Received." Applications are listed alphabetically by their State.

The acceptance of applications for filing is a procedure designed for making preliminary determinations of eligibility and for providing the opportunity for public comment on applications. Acceptance of an application does not preclude subsequent return or disapproval of an application if it is found to be not in accordance with the provisions of either the Act or 15 CFR Part 2301, or if the applicant fails to file any additional information requested by the Public Telecommunications Facilities Program (PTFP). Acceptance for filing does not assure an application of being funded; it merely qualifies it to compete for funding with other applications which have also been accepted for filing.

Pursuant to 15 CFR 2301.09, applicants were required to publish in a newspaper of general circulation, in the community to be served by the applicant, a notice that such application has been tendered to the PTFP of the National Telecommunications and Information Administration. The notice shall have been published once a week for two consecutive weeks on or before February 28, 1983. The notice included (1) information as to where within the community to be served a copy of the application, and any amendments thereto, may be inspected by the public during normal business hours; and (2) an invitation for parties supporting or opposing the application to file comments with the Administrator, National Telecommunications and Information Administration, Public Telecommunications Facilities Program, Washington, D.C. 20230. All comments must be filed within fifteen (15) calendar days from the date of this public notice of acceptance of the application and must be accompanied by a written assurance that a copy of the comments has been mailed to the applicant.

Scott Mason,

Chief, Management Branch.

Alabama

File No. 3159CRB, University of Alabama, 1028 7th Avenue, Birmingham, AL 35294. Signed by: Kenneth M. Pruitt, Assistant Vice Pres. Research. Funds Requested: $16,387. Total Project Cost: $21,850. To expand the SCA service of WBHM–FM by adding SCA receivers to the four station SCA network—Birmingham, Huntsville, Montgomery and Tuscaloosa.

File No. 3274PRB, Alabama Educational TV Commission, 2101 Magnolia Avenue, Birmingham, AL 35256. Signed by: Wilbur H. Hinton, General Manager. Funds Requested: $50,000. Total Project Cost: $58,362. To plan the establishment of an interconnected statewide radio network among interested stations and the identification and implementation of specific radio facilities needed to provide for unserved audiences.

File No. 3292CTB, Alabama Educational TV Commission, 2101 Magnolia Avenue, Birmingham, AL 35256. Signed by: Wilbur H. Hinton, General Manager. Funds Requested: $1,209,200. Total Project Cost: $1,882,467. To replace the fallen tower of WCIQ–TV, Channel 7, in Cheaha State Park, and to replace the worn out, obsolete, or dangerous transmission plus selected directly related production items in order to stabilize the rapidly eroding technical base of the Alabama TV network.

File No. 3252PTN, Miles College, 5500 Avenue G, Fairfield, AL 35064. Signed by: W. Clyde Williams, President. Funds Requested: $61,057. Total Project Cost: $84,057. To plan for the establishment of a public telecommunications facility in Fairfield using radio or low power TV or combination of both for educational purposes.

File No. 3155PRB, Alabama State University, 915 South Jackson, Montgomery, AL 36195. Signed by: Robert Randolph, President. Funds Requested: $71,875. Total Project Cost: $81,875. To plan the construction of a minority owned and operated radio station operating on 90.7 MHZ with a power of 25,000 watts to provide an alternate program service for the citizens of Montgomery and Elmore County.

File No. 3074CRB, Troy State University, University Avenue, Troy, AL 36082. Signed by: Ralph W. Adams, President. Funds Requested: $164,651. Total Project Cost: $219,535. To establish a repeater radio transmitter to extend the program service of WTSU–FM to the unserved communities around Phenix City, Alabama and Columbus, Georgia.

File No. 3075CRTB, Stillman College, 3600 15th Street, Tuscaloosa, AL 35403. Signed by: Cordell Wynn, President. Funds Requested: $1,040,084. Total Project Cost: $1,859,780. To construct an FM radio station and a low power TV station on the campus of Stillman College for the training of students in telecommunications and to provide the local community with college educational, cultural, and informational programs.

File No. 3223CTN, University of Alabama, P.O. Box 2846 Old Union Bldg., University, AL 35486. Signed by: Robert A. Wright, VP and Treasurer. Funds Requested: $174,285. Total Project Cost: $232,380. To significantly improve the basic production equipment flexibility for the increase and improvement of the program series provided by this University of Alabama production center for the Alabama Public Telecommunications Network.

Arkansas

File No. 3238CRB, Arkansas Broadcasting Foundation, 1501 Arch Street, Little Rock, AR 72202. Signed by: Pat House, President. Funds Requested: $32,384. Total Project Cost: $43,179. To acquire origination equipment, satellite reception equipment and test equipment to assist in the activation of KABF–FM in Little Rock, AR. Station will benefit 608,000 citizens in Little Rock area.

File No. 3334CTB, Newark Public Schools, P.O. Box 280 Fourth College, Newark, AR 72562. Signed by: Bobby R. DePoyster, Superintendent. Funds Requested: $175,000. Total Project Cost: $250,000. To construct a TV station in Newark on channel 17. Station would provide first local origination broadcast service for area.

File No. 3348CRB, Newark Public Schools, Fourth and College Streets, Newark, AR 72562. Signed by: Bobby R. DePoyster, Superintendent. Funds Requested: $150,000. Total Project Cost: $201,900. To activate a noncommercial FM radio station on 90.9 MHZ in Newark. Station will serve 51,000 people. Facility will be utilized as a training facility for students and staff of the school district.

Arizona

File No. 3226CTB, Arizona State Univ/Board of Regents, Tempe, AZ 85287. Signed by: H.B. Hunnicutt, Asst. VP for

Research. Funds Requested: $1,470,000. Total Project Cost: $1,960,000. To replace obsolete and worn out production equipment at Arizona's primary public television station, KAET–TV.

File No. 3227CTB, Navajo Community College, Tsaile, AZ 86556. Signed by: Dean C. Jackson, President. Funds Requested: $508,429. Total Project cost: $677,05. To establish first service television to the Arizona and New Mexico Navajo Nation, utilizing low power and translator dissemination equipment, and including first local origination capability.

File No. 3355PTB, Silvercloud Video Productions, 1321 E. King Road, Tucson, AZ 85719. Signed by: John Howard Crouch, President. Funds Requested: $38,771. Total Project cost: $38,771. To plan for the extensive use of a mobile television production facility to provide locally-originated programming, especially for and about Arizona's Native American tribes. Project would focus on servicing those areas where first local origination is not currently experienced.

California

File No. 3192CRB, Humboldt State University, Arcata, CA 95521. Signed by: Dr. Donald F. Straham, VP Administrative Affairs. Funds Requested: $57,184. Total Project Cost: $77,247. To increase the power of KHSU–FM in Arcata to bring first service public radio to 45,000 residents of Humboldt County.

File No. 3061PRTB, California State College at Bakersfield, 9001 Stockdale Highway, Bakersfield, CA 93309. Signed by: P. M. Rice, Vice President. Funds Requested: $126,864. Total Project Cost: $126,864. To plan to establish first service radio and television stations primarily for the counties of Bakersfield and Kern, as well as some parts of Tulare, Inyo, Mono, and San Bernardino. Also, to explore other telecommunications services that would prove relavent and cost effective for the communities to be served.

File No. 3271RTNC, Regents of University of California, Systemwide Administration, 2200 University Avenue, Berkeley, CA 94720. Signed by: David F. Mears, Univ Coord of Contracts & Grants. Funds Requested: $451,835. Total Project Cost: $602,447. To construct transmit/receive earth stations at colleges in Berkeley and LaJolla for data transmission and further development of the University system's library automation services.

File No. 3279CRB, The University Foundation, California State University at Chico, West 1st & Normal Streets, Chico, CA 95929. Signed by: Len C. McCandliss, Executive Officer, CSVC Fdn. Funds Requested: $99,702. Total Project Cost: $132,936. To provide first service public radio to 40,000 residents of northern California with the purchase of higher power transmission equipment, relocation of one translator and acquisition of a new one. The project also proposes to extend KCHO's subcarrier reading service to the extended service areas.

File No. 3288TNC, California State University at Chico, W. First & Normal Streets, Chico, CA 95929. Signed by: Dr. Gerald Stairs, Vice President. Funds Requested: $863,746. Total Project Cost: $1,151,661. To upgrade an instructional television fixed service with satellite transmit capability, replacement of origination equipment and an increase of the number of regional learning centers.

File No. 3247CTB, Rural California Broadcasting Corp., 325 East Cotati Avenue, Cotati, CA 94928. Signed by: John F. Kramer, Treasurer. Funds Requested: $201,890. Total Project Cost: $269,186. To increase the power of KRCB–TV to 5 KW, and thereby providing additional first service to 43,000 residents of the Sonoma, Marin, Napa, Lake and Solano Counties, when the station goes on air later in 1983.

File No. 3121CTB, Redwood Empire Public TV, Inc., 7246 Humboldt Hill Co., Eureka, CA 95501. Signed by: Maj. Gen. William T. Daly, Ret., President. Funds Requested: $146,700. Total Project Cost: $195,600. To acquire production equipment that would allow greater local programming origination, particularly in Hoopa, Redwood, Eureka and other communities of Humboldt County.

File No. 3266CRB, Hoopa Tribal Broadcasting Co., Box 1220, Hoopa Valley Shop Ctr, Hoopa, CA 95546. Signed by: David A. Contreral, Board Chairman. Funds Requested: $79,956. Total Project Cost: $106,129. To move KIDE's transmitter, and to extend the station's signal coverage with the addition of seven translators designed to reach over 39,000 residents of Humboldt County who do not currently receive a public radio signal.

File No. 3053TNP, Corp. on Disabilities and Telecommunications, P.O. Box 27573, Los Angeles, CA 90027. Signed by: Neil W. Goldstein, Chairman of the Board. Funds Requested: $61,570. Total Project Cost: $61,570. To determine the feasibility of creating a nationwide distribution network of programs specifically directed to and developed by the disabled. Planning will focus on cable and satellite interconnection, as well as the marketing of modeling programming.

File No. 3059CTB, Community TV of Southern California, 4401 Sunset Boulevard, Los Angeles, CA 90027. Signed by: Joseph J. Sands, Senior Vice President. Funds Requested: $399,547. Total Project Cost: $532,729. To replace obsolete and necessary origination equipment for state-of-the-art interfacing with the national television system from Los Angeles.

File No. 3225CTN, University of Southern California, Olin Hall 214, University Park, Los Angeles, CA 90089. Signed by: Cornelius J. Pings, Provost. Funds Requested: $165,730. Total Project Cost: $220,974. To acquire a satellite receive terminal to enhance and expand current instructional television services.

File No. 3340RNC, Pacific Foundation, 5316 Venice Blvd., Los Angeles, CA 90019. Signed by: Sharon Maeda, Executive Director. Funds Requested: $54,838. Total Project Cost: $73,718. To provide the essential equipment that would allow the Program Service Radio Archives to become state-of-the-art in its capability to effectively distribute recordings over 30 years old. Project would assure the availability of quality, historical recordings, especially for and about minorities and women.

File No. 3242TNC, City of Los Gatos, 110 E. Main Street, Los Gatos, CA 96030. Signed by: Brent N. Ventura. Funds Requested: $240,000. Total Project Cost: $320,000. To establish a cable access center to provide the first local origination service to the Los Gatos area.

File No. 3291PTN, Yosemite Community College District, 2201 Blue Gum Avenue, Modesto, CA 95352. Signed by: Tom Van Groningen, District Superintendent. Funds Requested: $38,664. Total Project Cost: $68,644. To establish a plan of action to interconnect telecommunications systems, operations, and maintenance with the contiguous counties of Amador, Calaveras, El Dorado, Sacramento, San Joaquin, Stanislaus, Tuolumne and Yolo.

File No. 3200CTB, Indian Wells Valley TV Booster, 205 Silver Ridge Drive, Ridgecrest, CA 93555. Signed by: Edward R. Middlemiss, Treasurer. Funds Requested: $19,100. Total Project Cost: $25,467. To extend the signal of KVCR–TV of San Bernardino with two translators that will provide first service public television to areas of Ridgecrest, China Lake, Inyokern, Sky Place, College Heights, and part of San Bernardino County.

File No. 3284CRB, California State University, 6000 J Street, Sacramento, CA 95819. Signed by: Phil Corriveau, General Manager, KXPR. Funds Requested: $4,576. Total Project Cost:

$6,101. To the extend the signal of KXPR–FM to the Lake Tahoe Basin area and its surrounding communities by replacing a translator on Angels Roost Peak in El Dorado County. This project will provide first service to 36,000 residents.

File No. 3240CTN, Superintendent of Schools, Department of Education, 6401 Linda Vista Road, San Diego, CA 92111. Signed by: Gerald A. Rosander, Superintendent of Schools. Funds Requested: $194,250. Total Project Cost: $259,000. To extend the services of the San Diego Department of Education's instructional television by adding 50 additional receiving sites.

File No. 3263CTB, San Diego State University Foundation, 5300 Campanile Drive, San Diego, CA 92182. Signed by: Lawrence B. Feinberg, Assoc Dean Grad Div & Research. Funds Requested: $587,672. Total Project Cost: $791,062. To replace the antenna and tower of KPBS-TV, and to upgrade the transmitter, as all of the station's dissemination equipment is obsolete and experiences significant amounts of breakdowns.

File No. 3303CRB, San Diego State University Foundation, 5300 Campanile Drive, San Diego, CA 92182. Signed by: Lawrence B. Feinberg, Associate Dean Graduate Div. Funds Requested: $174,946. Total Project Cost: $233,261. To activate a full service radio station in Imperial County at the Calexico branch of San Diego State University. This project will provide first service to over 92,000 residents in Calexico, Imperial, Holtsville, Brawley, and El Centro.

File No. 3040RNC, Broadcast Services for the Blind, 420 Taylor Street, San Francisco, CA 94102. Signed by: R. L. Schoenberger, Jr., President, Board of Directors. Funds Requested: $35,561. Total Project Cost: $47,414. To purchase 300 additional SCA recievers to further service print handicapped population in Bay Area, and to upgrade origination equipment to strengthen the quality of operation.

File No. 3216PRB, Poor People's Radio, Inc., P.O. Box 11008, San Francisco, CA 94101. Signed by: Joe Rudolph, General Manager. Funds Requested: $37,095. Total Project Cost: $41,605. To investigate the poor radiation of KPOO-FM's signal, and to plan to implement the technology necessary to strengthen the signal and provide KPOO's unique offerings to the numerous residents currently unserved by programming for minorities and women. Plan includes extension of signal to the five Bay Area counties as well as Vallejo and San Jose.

File No. 3218PRB, Western Comm. Bilingual Radio Inc, 385 Eighth Street, San Francisco, CA 94103. Signed by: Suzanne D. Manriquez, Treasurer/Secretary. Funds Requested: $100,000. Total Project Cost: $117,480. To plan for the extension, expansion and upgrading of the bilingual public radio station network for the benefit of California's, Colorado's, Texas's, and Washington's Latino residents.

File No. 3220PTB, Community Action for Urbanized American Indians, Inc., 225 Valencia Street, San Francisco, CA 94103. Signed by: Francis Allen, Chairman. Funds Requested: $70,000. Total Project Cost:- $94,000. To plan for a multi-faceted telecommunications delivery of programs geared specifically to currently unserved Indian populations across the country. This planning would provide the basic steps for activating first signal public television in several reservation communities.

File No. 3237CTB, KQED, Inc., 500 Eight Street, San Francisco, CA 94103. Signed by: Bonnie J. Smith, VP & Chief Financial Officer. Funds Requested: $103,275. Total Project Cost: $137,700. To reduce energy usage and operating costs of the UHF transmitter for KQEC-TV, Channel 32, by refurbishing equipment.

File No. 3282CRB, Pataphysical Broadcasting Foundation., Inc., 203 8th Avenue, Santa Cruz, CA 95061. Signed by: Jeffrey Werner, President, Board of Directors. Funds Requested: $106,424. Total Project Cost: $141,899. To extended the signal of KUSP-FM by translator to reach the Big Sur area, and to upgrade and replace obsolete and worn out origination equipment in Santa Cruz. Project will provide first service to over 1,200 residents of Santa Cruz, Monterey, San Benito, Santa Clara and Big Sur Counties.

File No. 3265TNRP, Mendocino County Superintendent of Schools, 589 Low Gap Road, Ukiah, CA 95482. Signed by: Louis G. Dolsol, Superintendent of Schools. Funds Requested: $26,800. Total Project Cost: $30,800. To plan the establishment of a telecommunications system to link existing services with facilities to be determined. Project proposes to especially provide instructional services to isolated rural communities.

File No. 3167CTB, California Community TV Network, 10 Alexander Street, Watsonville, CA 95076. Signed by: Lewis Friedland, Director. Funds Requested: $1,135,486. Total Project Cost: $1,513,982. To activate a full service public television station in Santa Cruz County to provide a first signal to over 184,000 residents of this and seven surrounding counties.

Colorado

File No. 3058CTB, Front Range Educational Media Corp., 6801 W. 117th Avenue, Broomfield, CO 80020. Signed by: Michael J. August, General Manager. Funds Requested: $103,365. Total Project Cost: $137,820. To improve the dissemination and program production capability of KBDI–TV operating on Channel 12 at Broomfield, CO.

File No. 3222CRB, The Colorado College, 1000 N. Cascade Avenue, Colorado Springs, CO 80903. Signed by: Gresham Riley, President. Funds Requested: $59,868. Total Project Cost: $81,168. To move the transmitter/antenna of public radio station KRCC–FM, operating on 91.5 MHZ in Colorado Springs, to an elevation of 9550 ft. on Cheyenne Mt. to enable it to reach 90 percent of the population of El Paso County and provide 42,000 residents with their first public radio service, and to upgrade the station's capability to provide radio reading services to the print handicapped over SCA as well as to provide NPR programming to Colorado Springs.

File No. 3275CRB, Colorado State Board of Agriculture, Lory Student Center, Fort Collins, CO 80523. Signed by: Joe Spease, General Manager. Funds Requested: $40,867. Total Project Cost: $54,490. To replace the obsolete 1 KW transmitter of public radio station KCSU–FM with 5 KW at its present site, change and frequency on which it operates from 90.9 to 90.5 MHZ, and upgrade production capabilities to provide relevant local programming to parts of the City of Ft. Collins as well as Loveland, Wellington & La Porte, and first service to Estes Park, CO.

File No. 3152CRB, Western Colorado Public Radio, 2685 Caribbean Drive, Grand Junction, CO 81501. Signed by: Marsha L. Gobbo, Director. Funds Requested: $162,720. Total Project Cost: $217,062. To establish a public radio station in Grand Junction, CO, operating on 88.9 MHZ which will make it possible to bring first public radio programming to eight counties on the western slope in the near future—Rio Blanco, Mesa, Garfield, Delta, Ouray, Montrose, Eagle and Pitkin.

File No. 3213CRB, Colorado Radio Info Service, Inc., P.O. Box 1652, Greeley, CO 80632. Signed by: Robert Caron, President. Funds Requested: $9,600. Total Project Cost: $12,800. To acquire SCA receivers for use by the print handicapped in the reception areas of public radio stations KUNC–FM in Greeley, KCFR–FM in Denver, and KRCC–FM in Colorado Springs. This proposal brings first radio reading service to print handicapped persons residing in Colorado Springs and nearby communities.

File No. 3236CRB, Trustees for University of Northern Colorado, Greeley, CO 80639. Signed by: John Burke, VP Univ Relations, Sec, Trustees. Funds Requested: $54,427. Total Project Cost: $72,570. To extend by translators the signal of public radio station KUNC–FM, operated on 91.5 MHZ, by the University of Northern Colorado, and to bring a first noncommercial radio service to the communities of Sterling, Estes Park, Walden, Steamboat Springs, and Kremmling in Colorado, Torrington, Wyoming, and Scottsbluff, Kimball and Sidney in Nebraska.

File No. 3148CRB, Denver Educational Broadcasting, Inc., 7932 S. Lamar Court, Littleton, Co 80123. Signed by: Hugo Morales, President Board of Directors. Funds Requested: $228,938. Total Project Cost: $305,249. To establish a bilingual public radio station on 89.3 MHZ in Denver, CO, and provide programming service to other parts of the State. This station will provide the first bilingual radio facility with access to a satellite uplink which will enable the licensee to begin to meet some of the daily national program needs of bilingual and Spanish-speaking audiences.

File No. 3261PRB, Pueblo Community College, 900 W. Orman Avenue, Pueblo, Co 81004. Signed by: Glen Allen, Vice President for Contracts. Funds Requested: $24,238. Total Project Cost: $32,238. To plan for the activation of an FM noncommercial public radio station as a CPB-qualified, National Public Radio outlet serving Pueblo, CO, with translators serving southern and southeastern Colorado.

Connecticut

File No. 3101CRB, Connecticut Educational Telecommunications Corp, 24 Summit Street, Hartford, CT 06106. Signed by: Paul K. Taff, President & General Manager. Funds Requested: $144,524. Total Project Cost: $196,815. To modify and move the transmitter of WPBH, a noncommercial FM radio station operating on Channel 213B and presently serving Hartford, CT, to increase power and provide first local service to western CT including Danbury. Also includes request for mobile unit for local program production.

Washington, DC

File No. 3084CTN, Appalachian Community Service Network, 1200 New Hampshire Ave, NW, #240, Washington, DC 20036. Singed by: Harold E. Morse, President ACSN. Funds Requested: $22,500. Total Project Cost: $30,000. To replace non-type accepted microwave hardware (as required by the FCC) between the University of Kentucky and ACSN's earth station located in Fayette County, KY.

Delaware

File No. 3169PRB, Delaware Technical and Community College, 1832 N. DuPont Parkway, Dover, DE 19901. Signed by: Dr. John R. Kotula, President. Funds Requested: $15,357. Total Project Cost: $18,555. To Plan for first public radio signal for the Delaware counties of Kent and Sussex.

Florida

File No. 3062CTB, South Florida Public Telecommunications, Inc., 505 S. Congress Avenue, Boynton Beach, FL 33435. Signed by: Sam J. Barbaro, Vice President & General Manager. Funds Requested: $304,740. Total Project Cost: $406,321. To replace and upgrade the basic local production capability of WHRS-TV in Boynton Beach to maintain and increase its community service programs.

File No. 3044CTB, Daytona Beach Community College, 1200 Volusia Avenue, Daytona Beach, FL 32015. Signed by: Dr. Charles H. Polk, President. Funds Requested: $390,000. Total Project Cost: $520,000. To construct a full power TV station to provide first service to Flagler County and the first reliable signal to most of Daytona Beach and Volusia County. The proposed Daytona Beach station will operate at a power of 70.6 KW on Channel 15.

File No. 3123CRB, Indian River Community College, 3209 Virginia Avenue, Fort Pierce, FL 33450. Signed by: Herman A. Heise, President. Funds Requested: $53,250. Total Project Cost: $71,000. To extend the coverage of WQCS–FM to provide service to 24,471 people now unserved in the Indian River Community by constructing a 500-foot tower which will be 200 feet higher than the present tower.

File No. 3005CTB, University of Florida, 219 Grinter Hall, Gainesville, FL 32611. Signed by: Ann R. Stevens, Ph.D., Assoc. Dean for Research. Funds Requested: $21,451. Total Project Cost: $28,602. To improve the remote local program capability of WUFT–TV by securing two microwave antennas to be mounted on the existing tower.

File No. 3008CTB, University of Florida, 219 Grinter Hall, Gainesville, FL 32611. Singed by: Ann R. Stevens, Ph.D., Assoc. Dean for Research. Funds Requested: $127,151. Total Project Cost: $169,535. To improve the basic production capability of WUFT–TV by adding a studio camera to provide the needed flexibility for increasing local programming.

File No. 3293CRB, WJCT, Inc., 100 Festival Park Avenue, Jacksonville, FL 32202. Signed by: Fred Rebman, President. Funds Requested: $237,289. Total Project Cost: $316,386. To construct a repeater transmitter with a power of 100,000 watts to provide the first public radio signal for the Jasper/Live Oak area, and improve the basic local origination capability of WJCT–FM.

File No. 3294CTB, WJCT, Inc., 100 Festival Park Avenue, Jacksonville, FL 32202. Signed by: Fred Rebman, President. Funds Requested: $665,047. Total Project Cost: $886,730. To replace the worn out 6 Bay transmitting Antenna and the worn out and obsolete local origination equipment in order to eliminate the present interruptions and serious degradation of the WJCT–TV programming services.

File No. 3177PTBN, Barry University telecommunications Department, 11300 N.E. 2nd Avenue, Miami, FL 33161. Signed by: Sister Jeanne O'Laughlin, President. Funds Requested: $32,190. Total Project Cost: $36,966. To plan for the development of an interactive telecommunications system, a county-wide multi-distribution system and a public telecommunications facility at Barry University, the combination of which will improve the quality of life for minorities in greater Miami and Dade County.

File No. 3337CRB, Bascomb Memorial broadcasting Foundation, Inc., P.O. Box 558636, Miami, FL 33155. Signed by: Thomas G. Becker, President. Funds Requested: $17,668. Total Project Cost: $23,558. To improve the basic production capability of WDNA–FM by securing origination equipment which will result in a stereo production facility.

File No. 3283CTB, Pensacola Jr. College, 1000 College Boulevard, Pensacola, FL 32504. Signed by: Dr. C. Noojin Walker, VP, Academic Affairs. Funds Requested: $789,409. Total Project Cost: $1,052,546. To replace the present WSRE tower to accommodate a much heavier high gain antenna, install a new TV antenna and a new 55 KW transmitter (present is 2 KW), in order to provide the first public TV signal for the unserved areas of Escambia, Santa Rosa, and Okaloosa Counties.

File No. 3129CTN, State of Florida, Division of Communications, Larson Bldg., Room 651, Tallahassee, FL 32301. Signed by: Donald R. Allen, Dir., Div. of Communications. Funds Requested: $888,818. Total Project Cost: $1,775,118. To provide for innovative uses of uplink and downlink satellite communications and slow-scan TV systems for public distribution of agricultural weather

information, agricultural information, and teleconferencing.

Georgia

File No. 3127CRB, Georgia Public Telelcommunications Commission, 1540 Stewart Avenue, SW, Atlanta, GA 30310. Signed by: Richard E. Ottinger, Executive Director. Funds Requested: $317,692. Total Project Cost: $423,590. To establish two station state radio networks which will provide first public signal to approximately 1.1 million listeners. Project is first phase of eight station state public radio networks. Initially programming will originate from Atlanta. Warm Springs station will operated at 100 KW on 88.1 MHZ. Cochran station will operate at 100 KW on 89.7 MHZ.

File No. 3234RNC, Georgia Radio Reading Service, Inc., 1580 Peach Tree Street, N.W., Atlanta, GA 30309. Signed by: James E. Cashin, Executive Director. Funds Requested: $28,125. Total Project Cost: $37,500. To acquire 500 SCA receivers for use by the blind and print handicapped. Users will receive the programming broadcast by WABE–FM in Atlanta. Power increase by WABE–FM is providing additional receiver demands.

File No. 3171CRB, West Georgia College, Maple Street, Carrollton, GA 30118. Signed by: Maurice K. Townsend, President. Funds Requested: $56,437. Total Project Cost: $75,256. To extend the signal of WWGC–FM to better serve the Carrollton area. Project will relocate antenna and replace 32-year-old transmitter.

Iowa

File No. 3030CRB, University of Northern Iowa, 324 Communications Arts Center, Cedar Falls, IA 50614. Signed by: Harold J. Burris, Admin., Grants & Contracts. Funds Requested: $119,986. Total Project Cost: $170,181. To replace antenna and improve STL of KUNI, a public radio station serving Cedar Falls, Iowa.

File No. 3333CRB, Oakhill-Jackson Economic Development Corp., POB 1405, 625 5th Avenue, S.E., Cear Rapids, IA 52406. Signed by: Robert J. Irwin, President. Funds Requested: $66,635. Total Project Cost: $166,442. To increase the power of noncommercial radio station KOJC from 10 watts to 250 watts. KOJC serves Cedar Rapids, Iowa.

File No. 3071CTB, Eastern Iowa Community College District, 284 Eastern Avenue, Davenport, IA 52803. Signed by: Michael E. Crawford, Chancellor. Funds Requested: $912,553. Total Project Cost: $1,303,647. To establish the Eastern Iowa Telecommunications Network using ITFS and microwave technology which will link three colleges and extension sites.

File No. 3069PRTB, State Educational Radio & TV Facility Board, Iowa Public TV, 2801 Bell Avenue, Des Moines, IA 50321. Signed by: Larry G. Patten, Executive Director. Funds Requested: $150,000. Total Project Cost: $183,193. To identify and to plan for coverage of areas of Iowa unserved by public radio and/or TV. To assess state information and processing systems and to develop plans for a more efficient system.

File No. 3070CTB, State Educational Radio & TV Facility Board, Iowa Public TV, 2801 Bell Avenue, Des Moines, IA 50321. Signed by: Larry G. Patten, Executive Director. Funds Requested: $237,214. Total Project Cost: $316,286. To replace essential studio equipment of public TV station KDIN, Channel 11, Flagship Station of Iowa Public TV, serving the entire state.

File No. 3072CTB, Iowa Lakes Community College, 300 South 18th Street, Estherville, IA 51334. Signed by: R. H. Blacker, Superintendent. Funds Requested: $142,476. Total Project Cost: $189,969. To expand the ITFS system of Iowa Lakes Community College in order to increase the population able to receive the system's educational programming. The system currently serves five northeastern rural counties.

Idaho

File No. 3091CTB, Nez Perce Tribal Foundation, Veterans Memorial Bldg., Lapwai, ID 83540. Signed by: J. Herman Reuben, Acting Secretary. Funds Requested: $112,408. Total Project Cost: $149,877. To activate a low-power TV station on the Nez Perce Reservation in northern Idaho which will operate on Channel 36 at Lapwai, and also serve the communities of Sweetwater and Spalding.

Illinois

File No. 3186PRB, Prairie Air, Inc., 113 North Market, Champaign, IL 61856. Signed by: Bill Thomas, Station Coordinator. Funds Requested: $3,564. Total Project Cost: $3,564. To plan for the expansion of noncommercial radio station WEFT, 90.1 MHZ, Champaign, IL, to provide increased public broadcast services to the communities in the greater Champaign-Urbana, Illinois area.

File No. 3187CRB, Prairie Air, Inc., 113 N. Market, Champaign, IL 61856. Signed by: Bill Thomas, Station Coordinator. Funds Requested: $40,103. Total Project Cost: $53,603. To improve studio and acquire remote mobile origination equipment for noncommercial radio station WEFT, 90.1 MHZ, Champaign, IL, to offer expanded local programming services to the residents of the Champaign-Urbana metropolitan area.

File No. 3116CRB, Board of Education, City of Chicago, 228 Worth LaSalle Street, Chicago, IL 60601. Signed by: McNair Grant, Assoc. Supt., Govt. Funded Prog. Funds Requested: $648,420. Total Project Cost: $864,560. To improve the production and distribution facilities of noncommercial FM radio station WBEZ, 91.5 MHZ, Chicago, IL, by replacing and expanding apparatus needed to deliver programming to the metropolitan Chicago area.

File No. 3219CRB, Northern Illinois University, DeKalb, IL 60115. Signed by: Richard J. Smith, VP for Business Affairs. Funds Requested: $482,436. Total Project Cost: $643,248. To extend the signal and provide first origination program capabilities in Rockford, IL, for noncommercial radio station WNIV, 89.5 MHZ, DeKalb, IL, to provide first service in the area surrounding Rockford and improve broadcast services to the metropolitan areas of both Rockford and DeKalb.

File No. 3264CTN, Oakton Community College, 1600 E. Golf Road, Des Plaines, IL 60016. Signed by: W.A. Koehnline, President. Funds Requested: $192,244. Total Project Cost: $273,825. To establish an interconnection among several community cable systems via activation of a noncommercial ITFS service on Channels B3 & B4, Des Plaines, IL, to provide locally originated program services to the townships of Maine, New Trier, Northfield and Niles of surburban Chicago.

File No. 3199CRB, Illinois Eastern Community Colleges, 2200 College Drive, Mt. Carmel, IL 62863. Signed by: James S. Spencer, Chancellor. Funds Requested: $20,000. Total Project Cost: $27,826. To provide significant improvement in programming flexibility for noncommercial FM radio station WVJC, 89.1 MHZ, by adding satellite reception facilities to receive National Public Radio programming.

File No. 3231PTBN, Governors State University, Stuenkel Road, Park Forest, IL 60466. Signed by: Dr. Sheadrick A. Tillman IV, Asoc. VP for Research. Funds Requested: $12,775. Total Project Cost: $19,927. To plan for noncommercial television services to enable the dissemination of educational and cultural programs from Governors State University by a variety of telecommunications means to serve the communities of Kankakee, Joliet, Palos Hills, IL, and St. John, IN.

File No. 3017/CRB, Bradley University, 1501 W. Bradley Avenue, Peoria, IL 61625. Signed by: Dr. John C. Hitt, Provost & VP for Academic Affairs.

Funds Requested: $16,610. Total Project Cost: $22,210. To improve the origination capabilities of noncommercial radio station WCBU 89.9 MHZ of Bradley University, Peoria, IL, by replacing old and adding additional equipment needed to better serve the Peoria service area.

File No. 3325CRB, Augustana College, 639 38th Street, Rock Island, IL 61201. Signed by: J. Thomas Tredway, President. Funds Requested: $18,796. Total Project Cost: $25,812. To extend the signal of noncommercial radio station WVIK, Rock Island, IL, by activating translators in both Galesburg, Channel 283, and Dixon, Channel 214, IL, to provide first service for public broadcasting in those communities.

File No. 3128CRB, The Board of Trustees University of Illinois, 354 Administration Building, Urbana, IL 61801. Signed by: Linda Wilson, Assoc Vice Chancellor for Res. Funds Requested: $46,200. Total Project Cost: $61,600. To improve dissemination and origination facilities of noncommercial radio station WILL, operating on 90.0 MHZ, Urban, Illinois, by replacing obsolete equipment necessary to deliver services to east central Illinois and west central Indiana.

Indiana

File No. 3154CTB, Board of Trustees of Indiana University, Indiana Univ. Bryan 215E, Bloomington, IN 47405. Signed by: J. D. Mulholland, Treasurer. Funds Requested: $301,016. Total Project Cost: $401,355. To replace existing essential broadcast dissemination and origination facilities of noncommercial TV station WTIU, Channel 30, Bloomington, Indiana, to enable continued telecommunications services to communities in and about Bloomington.

File No. 3140CTB, Fort Wayne Public TV, Inc., 227 E. Washington Blvd, PO Box 39, Fort Wayne, IN 46801. Signed by: Donald R. Sugarman, MD, President. Funds Requested: $82,170. Total Project Cost: $109,560. To improve the programming flexibility of noncommercial television repeater station on Channel 39, Fort Wayne, Indiana, by installing a satellite receiving dish to receive PBS programming for dissemination to the Fort Wayne metropolitan area.

File No. 3145CTN, Indiana University Foundation, 355 Lansing Street, Indianapolis, IN 46202. Signed by: Wendell F. McBurney, Dean Research & Spon. Programs. Funds Requested: $172,566. Total Project Cost: $230,088. To extend and improve statewide interconnection network facilities by activating ITFS Channel G–1, Westville, IN and ITFS Channel B–1 and B–2, South Bend, IN, further to remote control transmission equipment and replace obsolete signal reception equipment at nine college and university locations of the system.

File No. 3098CTB, Michigan Public Brdcstg Corp., 2424 California Rd, PO Box 34, Mishawaka, IN 46544. Signed by: Thomas E. Brubaker, Executive Director & Gen Manager. Funds Requested: $30,605. Total Project Cost: $40,866. To replace obsolete equipment in order to maintain dissemination and program services on noncommercial television station WNIT–TV, Channel 34, South Bend, Indiana, providing service to communities in the South Bend metropolitan area.

File No. 3241CTB, WIPB, Ball State University, 246 Minnestrista Blvd., Muncie, IN 47303. Signed by: Thomas J. Kinghorn, VP Business Affairs, Treasurer. Funds Requested: $189,000. Total Project Cost: $252,000. To provide for the replacement of equipment of existing broadcast facilities and to improve the origination facilities of noncommerical television station WIPB, Channel 49, Muncie, IN, to maintain local and other program services to the communities in east central Indiana.

File No. 3277CRB, Earlham College, 509 National Rd. West, Richmond, IN 47374. Signed by: G. Richard Wynn, VP, Financial Affairs. Funds Requested: $28,081. Total Project Cost: $55,950. To extend the signal of noncommercial radio station WECI, 91.5 MHZ, Earlham College, Richmond, IN, by increasing dissemination capacity with significantly higher power transmission equipment to provide first service to the Richmond, IN area communities.

File No. 3060CTB, Vincennes University Board of Trustees, 1002 N. First Street, Vincennes, IN 47591. Signed by: Phillip M. Summers, Ph.D., President. Funds Requested: $84,600. Total Project Cost: $112,800. To improve transmission facilities of noncommercial television station, WVUT, Channel 22, Vincennes, IN, by making more efficient and reliable dissemination equipment necessary to serve the 24-county area of metropolitan Vincennes.

Kansas

File No. 3251CTB, Smokey Hills Public TV, P. O. Box 96th & Elm Street, Bunker Hill, KS 67626. Signed by: Kenneth F. Gardner, Vice President & General Manager. Funds Requested: $171,176. Total Project Cost: $228,235. To extend the signal of KOOD–TV to the residents in Pratt, Kiowa, Edwards, Kingman, Barber and Stafford Counties by translator and microwave. Project will provide first signal to over 1,000 currently unserved residents.

File No. 3202PRB, Emporia State University, 1200 Commercial, Emporia, KS 66801. Signed by: John E. Visser, President. Funds Requested: $25,900. Total Project Cost: $25,900. To plan for a public telecommunications broadcast facility at Emporia State University to serve Emporia, Kansa.

File No. 3338CRB, The University of Kansas, 1150 W. 11th Street/POB 847, Lawrence, KS 66044. Signed by: Carolyn Hallenbeck, Dir of Research Support. Funds Requested: $22,500. Total Project Cost: $30,500. To purchase SCA receivers to provide radio reading services to 400 additional print handicapped in Lawrence, Kansas.

File No. 3013CRB, Friends University, 2100 University Avenue, Wichita, KS 67213. Signed by: Richard Felix, President. Funds Requested: $43,054. Total Project Cost: $57,405. To improve facilities of public radio station KSOF operating at 91.1 in Wichita, Kansas, by purchasing studio and remote equipment.

File No. 3103CRB, Kansas Public T/C Service, Inc., 320 West 21st Street, Wichita, KS 67201. Signed by: Zoel Parenteau, President & General Manager. Funds Requested: $167,206. Total Project Cost: $222,943. To improve facilities of KPTS, a public TV station in Wichita, Kansas, operating on Channel 8.

Kentucky

File No. 3181CRB, Western Kentucky University, Academic Complex 153, Bowing Green, KY 42101. Signed by: Dr. Paul B. Cook, Asst. to Pres. for Resources Mgmt. Funds Requested: $36,150. Total Project Cost: $48,200. To establish a noncommercial radio station on frequency 89.7, Sommerset, KY, by erecting tower facilities at Purdy, KY, in order to provide public radio service programming to communities in that area.

File No. 3042CRB, Black American Communications, Inc. of Kentucky, 315 W. Lexington Street, Harrodsburg, KY 40330. Signed by: William A. Taylor, President. Funds Requested: $72,135. Total Project Cost: $96,180. To establish a noncommercial FM radio station operating on FM 89.9, Frankfort, KY, to provide first local program services to minorities in Owen and Henry Counties, KY, and additional service to the Frankfort, KY, metropolitan area.

File No. 3278CTB, Kentucky Authority for Educational TV, 600 Cooper Drive, Lexington, KY 40502. Signed by: O. Leonard Press, Executive Director. Funds Requested: $273,180. Total Project Cost: $364,240. To extend the signal of noncommercial television station

WKMJ, Channel 58, Louisville, KY, by replacing obsolete dissemination equipment at its transmitting site, Floyd Knobs, Indiana, to better serve the people in the Louisville metropolitan area.

File No. 3280CTB, Kentucky Authority for Educational TV, 600 Cooper Drive, Lexington, KY 40502. Signed by: O. Leonard Press, Executive Director. Funds Requested: $236,250. Total Project Cost: $315,000. To improve the origination facilities of the Kentucky Authority for Educational Television, KET, Lexington, by replacing obsolete apparatus needed to provide locally originated programming throughout the State.

File No. 3077TNP, University of Louisville Foundation, Inc., 2301 S. Third St./Balknap Campus, Louisville, KY 40292. Signed by: John W. Brown, Dir., Ofc. of Sponsored Programs. Funds Requested: $44,827. Total Project Cost: $44,827. To plan for an expansion of ITFS systems operated by the University of Louisville Instructional Communications Center for the Kentuckian Metroversity, Louisville, KY, to bring additional telecommunications services to the Fort Knox, KY, community.

File No. 3001CRB, Appalshop, Inc., 306 Madison Street, Whitesburg, KY 41858. Signed by: Katharine Pearson, President. Funds Requested: $99,557. Total Project Cost: $132,770. To establish a noncommercial FM radio station on a frequency of 88.7 in Mayking, KY and provide origination facilities at Whitesburg, KY to provide programming to rural and isolated communities in southeastern Kentucky.

Louisiana

File No. 3096CTNC, Louisiana Educational Television Authority, 2618 Wooddale, Baton Rouge, LA 70805. Signed by: A. Fred Frey, Executive Director. Funds Requested: $276,683. Total Project Cost: $368,911. To expand the closed-circuit educational TV network by utilization of 6 ITFS transmitters located at 6 hospitals in Louisiana. Stations will be located at Baton Rouge, Shreveport, Monroe, Lafayette, Alexandria, and Lake Charles.

File No. 3326CTB, Greater New Orleans Educational TV Foundation, 916 Navarre Avenue, New Orleans, LA 70124. Signed by: Vincent F. Saele, President & CEO. Funds Requested: $768,273. Total Project Cost: $1,024,365. To replace worn out equipment at station WYES–TV, Channel 12, in New Orleans. Station presently provides only public TV signal for 1,800,000 people.

Massachussetts

File No. 3011CRN, Talking Information Center, 440 Plain Street, Box 487, Marshfield, MA 02050. Signed by: Ron Bersani, Executive Director. Funds Requested: $98,150. Total Project Cost: $130,866. To improve production capabilities of Talking Information Center radio reading service and to purchase 15000 SCA receivers to serve the sight impaired of Marshfield, MA.

Maryland

File No. 3253PRB, University of Maryland, Eastern Shore, Backbone Rd. JT Williams Admin., Princess Anne, MD 21853. Signed by: William P. Hytche, Chancellor. Funds Requested: $26,320. Total Project Cost: $28,960. To plan for a noncommercial FM radio station which will serve Princess Anne and surrounding areas and which would provide first public radio signal to unserved areas.

File No. 3066CRN, The Washington Ear, Inc., 35 University Blvd., East, Silver Spring, MD 20901. Signed by: Margaret Rockwell Pfanstiehl, President and CEO. Funds Requested: $2,732. Total Project Cost: $3,643. To acquire audio description equipment for use with WETA–FM SCA. Project will provide descriptions of video for visually impaired. Service will benefit approximately 28,000 in Washington, DC area. Service could potentially benefit two million visually impaired in USA.

Maine

File No. 3043CTB, Colby-Bates-Bowdoin Educational Telecasting Corp., 1450 Lisbon Street, Lewiston, ME 04240. Signed by H. Odell Skinner, President and General Manager. Funds Requested: $1,031,983. Total Project Cost: $1,544,983. To improve the transmitting system of WCBB–TV, a public television station serving Lewiston, Maine, and to extend that signal via translators, to four unserved areas of Maine.

File No. 3298CRB, Saint Joseph's College, White's Bridge Road, North Windham, ME 04062. Signed by: Anthony R. Santoro, Ph.D., President. Funds Requested: $23,119. Total Project Cost: $30,827. To activate a noncommercial radio station on 91.5 to serve North Windham, Maine.

File No. 3232CTB, University of Maine, Alumni Hall, Orono, ME 04469. Signed by: William J. Sullivan, Vice Chancellor for Admin. Funds Requested: $148,897. Total Project Cost: $198,897. To improve the production facilities of WMBG–TV providing first public television local origination to southern Maine.

File No. 3243CTB, University of Maine, Alumni Hall, Orono, ME 04469. Signed by: William J. Sullivan, Treasurer. Funds Requested: $306,784. Total Project Cost: $409,045. To replace obsolete transmitting equipment of public television station WMEM serving Aroostook County, Maine.

Michigan

File No. 3108CTB, Grand Valley State College, 301 Manitou Hall, Allendale, MI 49401. Signed by: James Starkweather, Director of Budgets. Funds Requested: $182,426. Total Project Cost: $243,235. To activate a repeater noncommercial TV station on Channel 52, Kalamazoo, MI, providing first service to communities in the west central portion of Michigan.

File No. 3087CTB, Regents of the University of Michigan-Flint, 400 4th Street, Admin. Bldg., Ann Arbor, MI 48109. Signed by: J. F. Brinkerhoff, VP & Chief Financial Officer. Funds Requested: $172,023. Total Project Cost: $229,365. To extend the broadcast signal of noncommercial television station WFUM, Channel 28, Flint, MI, by constructing a translator on Channel 46, Port Huron, MI, to bring residents of that and surrounding communities a first public broadcast signal in the area.

File No. 3151CTB, Detroit Educational TV Foundation, 7441 Second Blvd., Detroit, MI 48202. Signed by: John T. Caldwell Jr., President and General Manager. Funds Requested: $315,499. Total Project Cost: $420,666. To improve origination facilities of noncommercial broadcast television station WTVS, Channel 56, Detroit, MI, by replacing obsolete production equipment to provide better programming to communities of the metropolitan Detroit area and to the PBS network.

File No. 3175CTB, Board of Trustees Michigan State Univ., 212 Comm. Arts Building, East Lansing, MI 48824. Signed by: Roger E. Wilkinson, Secretary, Board of Trustees. Funds Requested: $326,250. Total Project Cost: $435,000. To replace basic equipment at existing noncommercial television station WKAR, Channel 23, East Lansing, MI, and thereby improve origination facilities necessary to provide program services to the metropolitan areas of Lansing and Jackson, Michigan.

File No. 3081PRTBN, Gwinn Area Community Schools, Gwinn, MI 49841. Signed by: Dr. Allen Ahola, Superintendent. Funds Requested: $79,800. Total Project Cost: $121,600. To plan for a noncommercial public telecommunications service system to meet educational, social, health and other basic needs of rural and isolated

communities in Michigan's upper peninsula region.

File No. 3051CTB, Central Michigan University, 155 Anspach Hall, Mt. Pleasant, MI 48859. Signed by: Harold Abel, President. Funds Requested: $1,032,445. Total Project Cost: $1,376,594. To establish noncommercial TV repeater stations operating on Channels 27 in Cadillac and Channel 21 in Manistee, MI, operated by Central Michigan University, Mt. Pleasant, MI, station WCMU, Channel 14, to serve the Cadillac, Manistee and Ludington areas.

File No. 3124CRB, Blue Lake Fine Arts Camp, Rural Route #2, Twin Lake, MI 49457. Signed by: William F. Stansell, President. Funds Requested: $13,817. Total Project Cost: $18,423. To provide auxiliary remote studios by acquiring mobile origination facilities for noncommercial FM radio station WBLV, 90.3 MHZ, Twin Lake, Michigan, to better serve the communities within its coverage area.

Minnesota

File No. 3165CTB, West Central Minnesota Educational TV Council, 25 South Miles Street, Appleton, MN 56208. Signed by: James T. Hegland, Secretary KWCM Bd of Directors. Funds Requested: $1,231,664. Total Project Cost: $1,642,219. To extend the signal of noncommercial television station KWCM, Channel 10, Appleton, MN, by acquiring additional dissemination apparatus to meet the need of communities in southwest Minnesota.

File No. 308CRB, Markato State University, MSU Student Union Room 119, Markato, MN 56001. Signed by: Margaret R. Preska, President. Funds Requested: $81,615. Total Project Cost: $108,820. To extend the signal of public radio station KMSU, 89.7 MHZ, Mankato State University, Mankato, MN, by interconnecting station KAVT, Austin, MN, and by translators in the communities of Albert Lea, Fairmont, and Blue Earth, MN, to provide service to those communities.

File No. 3150BTBNC, Minnesota Tele-Media, Marshall, MN 56258. Signed by: Gerritt Groen, Chairperson. Funds Requested: $1,569,870. Total Project Cost: $2,093,159. To establish a noncommercial telecommunications network by acquiring low power television translators, instructional TV fixed service and microwave interconnection apparatus for dissemination and origination purposes to provide educational and cultural programs to central southwest Minnesota's rural and isolated communities.

File No. 3025CTB, Twin Cities Public TV, Inc., 1640 Como Avenue, St. Paul, MN 55108. Signed by: James E. Carufel, Ast. Gen. Mgr., VP–Admin. Funds Requested: $408,450. Total Project Cost: $544,600. To provide replacement of essential and improve other origination facilities of noncommercial TV station, KTCA, Channel 2, St. Paul, MN, to assure uninterrupted service to residents of Minnesota.

File No. 3073TRBNP, Minnesota Department of Education, 550 Cedar Street, St. Paul, MN 55101. Signed by: John J. Feda, Commissioner of Education. Funds Requested: $99,150. Total Project Cost: $120,050. To plan for facilities to establish transmission and production for a variety of noncommercial telecommunications services to unserved rural and isolated communities in Minnesota and to interconnect them with existing broadcast and nonbroadcast services.

File No. 3112CRB, Minnesota Public Radio, Inc., 45 East Eighth, St. Paul, MN, 55101. Signed by: William H. Kling, President. Funds requested: $122,170. Total Project Cost: $187,910. To purchase transmission equipment for a new FM public radio station and translator to serve Virginia, Hibbing, and International Falls.

File No. 3113CRB, Minnesota Public Radio, Inc., 45 East Eighth Street, St. Paul, MN 55101. Signed by: William H. Kling, President. Funds Requested: $62,287. Total Project Cost: $83,050. To establish a noncommercial radio station on 88.1 MHZ, Sioux Falls, SD, to offer origination services from Augustana College's Sioux Falls campus and from Minnesota Public Radio Station, KRSW, Worthington, MN, to provide telecommunications services to Sioux Falls and unserve rural communities north of the city.

File No. 3114CRB, Minnesota Public Radio, Inc., 45 East Eighth Street, St. Paul, MN 55101. Signed by: William Kling, President. Funds Requested: $370,089. Total Project Cost: $493,452. To replace obsolete dissemination equipment for noncommercial radio station KSJM, 91.1, St. Paul, MN, and to improve the origination capabilities of Minnesota Public Radio by adding remote studio capabilities and satellite uplink equipment in order to provide services to its network in Minnesota and elsewhere.

File No. 3300PTB, Educational Cooperative Service, Box 15, Star Route, Staples, MN 56479. Signed by: Richard T. Hegre, Executive Director. Funds Requested: $41,000. Total Project Cost: $41,000. To plan for the activation of first noncommercial television services to serve a fourteen county area in north central Minnesota in order to provide educational, cultural, and informational programming to the rural and isolated communities.

Missouri

File No. 3314CRB, The School of the Ozarks, Point Lookout, MO 65726. Signed by: Howell Keeter, Acting President. Funds Requested: $38,038. Total Project Cost: $50,710. To improve signal of public radio station KSOZ serving Point Lookout, Missouri.

File No. 3009CRB, Curators of the University of Missouri, G–6 Library, Rolla, MO 65401. Signed by: Neil K. Smith, Dir. Business Services. Funds Requested: $9,704. Total Project Cost: $12,939. To replace obsolete studio equipment of KUMR–FM, a public radio station serving Rolla, MO.

File No. 3205PTB, Ozark Public Telecommunications, Inc., MPO Box 21, Springfield, MO 65801. Signed by: Christopher W. Nattinger, Chairman of the Board. Funds Requested: $14,475. Total Project Cost: $14,475. To plan for the extension of signal from public station KOZK–TV and KSMU–Fm in Springfield to Joplin, Missouri.

Mississippi

File No. 3345PRB, Mississippi Valley State Uuniv, Highway 52 & Sunflower Road, Itta Bena, MS 38941. Signed by: Joe I. Boyer, President. Funds Requested: $26,638. Total Project Cost: $31,338. To plan for the establishment of a noncommercial FM station at Itta Bena, MS. Station would serve 23,000 people in Leflore County.

File No. 3228PTB, Mississippi Band of Choctaw Indians, RT 7, Box 21, Philadelphia, MS 39350. Signed by: Phillip Martin, Chief. Funds Requested: $42,954. Total Project Cost: $42,954. To plan the establishment of a noncommercial TV station to serve the Choctaw Indian Reservation and surrounding area.

Montana

File No. 3346CRB, Blackfeet Media Inc., Tribal Admin. Bldg., Box 850, Browning, MT 59417. Signed by: Darnell Doore, Blackfeet Media Director. Funds Requested: $204,830. Total Project Cost: $273,107. To establish a noncommercial radio station on the Blackfeet Indian Reservation which will operate on 88.7 MHz in Browning, MT, and will provide a first public radio service including locally originated, culturally-related programming, to listeners in a northwest section of the State of Montana.

File No. 3208BNCT, Bitter Root Electric TV Cooperative Inc., P.O. Box 109, Corvallis, MT 59828. Signed by: Reno Peressini, President. Funds Requested: $92,527. Total Project Cost:

$123,370. To activate a noncommercial low-power television facility to bring first public television to the residents of Darby, Hamilton, Grantsdale, Corvallis and Victor, MT, plus homes in surrounding rural areas.

File No. 3184CTB, Valley County TV Dist #1, c/o Clerk & Recorders Office, Glasgow, MT 59230. Signed by: Everett Breigenzer, President. Funds Requested: $81,000. Total Project Cost: $108,000. To establish a public low-power television facility, operating on Channel 6 in Glasgow, MT, and one translator to bring first public television to residents of the Milk River Valley, including a portion of the Ft. Peck Indian Reservation.

File No. 3215CRB, Great Falls Public Radio Association, 1400 First Ave., N., POB 3343, Great Falls, MT 59403. Signed by: Bruce Mackenzie, President. Funds Requested: $99,341. Total Project Cost: $133,455. To establish a noncommercial radio station which will bring a first public radio signal to residents of Cascade County and portions of Teton, Pondera, and Chouteau Counties. This station will rebroadcast KUFM–FM, from the University of MT, with the capability to substitute local programming, and carrying SCA which permits reading services for the print handicapped.

File No. 3166CTB, Dull Knife Memorial College Telecommunications, Box 206, Lame Deer, MT 59043. Signed by: Darius T. Rowland, President. Funds Requested: $556,838. Total Project Cost: $742,584. To expand the broadcast capability of the low-power TV facility under construction by Lame Deer Memorial College using translators, six of which will be solar powered, to bring public TV to the entire Northern Cheyenne Indian Reservation, a portion of the Crow Reservation and off-reservation mining towns expected to rapidly develope in this energy impacted area over the next five years.

File No. 3248CTB, Shields & Paradise Valley TV District, Court House, Treasurer's Office, P.O. Box 34, Livingston, MT 59047. Signed by: Harry A. Livingston, President. Funds Requested: $61,660. Total Project Cost: $82,215. To establish a low-power television facility, operating on Channel 49, six miles south of Livingston, to bring first public television south into Paradise Valley as well as north to the Livingston area and Shields River Valley.

File No. 3209CTB, Phillips County TV Tax District, P.O. Box 821, Malta, MT 59538. Signed by: Ray Holzhey, Chairman. Funds Requested: $70,500. Total Project Cost: $94,000. To establish a noncommercial low-power television facility in Malta, MT, operating on Channel 15, which will bring a first public TV signal to the citizens of Phillips County.

File No. 3244BNCT, Whitehall Low Power TV, Inc., 400 First Street, Whitehall, MT 59759. Signed by: Dale Davis, President. Funds Requested: $100,987. Total Project Cost: $134,650. To establish a low-power public television facility to bring first service to the residents of Whitehall, MT and the immediate outlying area, and to distribute the signal over the local system.

North Carolina

File No. 3092CRB, University of North Carolina at Chapel Hill, Swain Hall 044A, Chapel Hill, NC 27514. Signed by: Donald M. Wood, Dir. of Research Services. Funds Requested: $97,200. Total Project Cost: $129,600. To activate a repeater FM radio station on 88.3 MHz in Greenville. Station will provide first service to six counties in eastern North Carolina. Primary coverage for Edgecomb, Pitt, Greene, Lenoir, Wayne, Wilson counties. Station will repeat the signal of WUNC–FM in Chapel Hill.

Nebraska

File No. 3086CTB, University of Nebraska, 1800 North 33rd Street, Lincoln, NE 68501. Signed by: Earl J. Freise, Asst. Vice Chancellor for Res. Funds Requested: $709,569. Total Project Cost: $946,093. To replace the unreliable 20-year-old KUON–TV transmitter and replace the worn out, obsolete local and network origination equipment in order to provide a reliable and quality program service to 97.5 percent of the State.

File No. 3157CRB, Union College, 3800 South 48th Street, Lincoln, NE 68506. Signed by: Dean Hubbard, President. Funds Requested: $447,750. Total Project Cost: $597,000. To construct a statewide radio network by activating four stations at Norfolk, Kearny, North Platte, and Scottsbluff, with an off-air pickup from KUCV in Lincoln, which will provide first radio service to 450,000 people, and to activate an SCA system to be used throughout the network.

File No. 3126PRN, Radio Talking Book Service, Inc., 3219 Cuming Street, Omaha, NE 68131. Signed by: David E. Robinson, Director. Funds Requested: $14,599. Total Project Cost: $14,599. To plan for the extension of the Radio Talking Book Service in Omaha to provide this service statewide.

File No. 3302PRB, Omaha Black Telecommunications, Inc., 4732 N. 41st Street, Omaha, NE 68111. Signed by: Ruth Williams, Grant Coordinator Funds Requested: $121,800. Total Project Cost: $122,344. To plan the construction of a 5,500 watt minority radio station for the Omaha area, in order to provide an alternative program service for Black citizens.

New Hampshire

File No. 3118CRB, Granite State Public Radio, Inc., 26 Pleasant Street, Concord, NH 03301. Signed by: Keith Thompson, General Manager. Funds Requested: $7,762. Total Project Cost: $10,350. To extend, via translator, the signal of public radio station WEVO–FM of Concord, NH, to the unserved Nashua County area of New Hampshire.

File No. 3297CTB, University of New Hampshire, Pettee Brook Lane, Durham, NH 03824. Signed by: Lennard A. Fisk, Director of Research. Funds Requested: $278,685. Total Project Cost: $371,580. To replace and increase power of WLED, Channel 49, serving Littleton, New Hampshire, and to replace obsolete microwave distribution system for New Hampshire Public Tv system.

New Jersey

File No. 3104PRB, Newark Public Radio, Inc., 54 Park Place, Newark, NJ 07102. Signed by: Robert Gottenhof, General Manager. Funds Requested: $22,000. Total Project Cost: $28,000. To plan to extend the signal of public radio station WGBO–FM, currently serving the Newark, New Jersey area, into the unserved communities of Vineland and Atlantic City.

File No. 3328PRB, Rutgers University, 180 University Avenue, Newark, NJ 07102. Signed by: Albert Hanna, Assistant Comptroller. Funds Requested: $42,555. Total Project Cost: $57,825. To plan for first public radio service to Vineland and Atlantic City, New Jersey.

File No. 3176PTN, Somerset County College T/C, P.O. Box 3300, Somerville, NJ 08876. Signed by: S. Charles Irace, President. Funds Requested: $41,638. Total Project Cost: $41,638. To plan a telecommunications network which will link Somerset County College in Somerville, NJ, to local industry, government agencies, and other educational centers.

File No. 3033 CTN, Borough of South River, 64–66 Main Street, South River, NJ 08882. Signed by: William Reichenbach, Jr., Borough Clerk. Funds Requested: $88,762. Total Project Cost: $118,350. To activate a community cable channel that would serve South River, New Jersey.

File No. 3137CRN, State of New Jersey, Department of Education State Library, 2300 Stuyvesant Avenue CN 501, Trenton, NJ 08625. Signed by: Sam Cooperman, Commissioner of Education.

Funds Requested: $80,384. Total Project Cost: $115,964. To construct a radio reading service for the print handicapped using the aural subcarriers of UHF New Jersey television station WNJT in Trenton and WNJB in New Brunswick.

New Mexico

File No. 3245CTB, Regents of the University of New Mexico and Board of Education, City of Albuquerque, 1130 University Blvd., NE, Albuquerque, NM 87102. Signed by: Ivan Martinez, Manager Grants and Contracts. Funds Requested: $122,077. Total Project Cost: $162,770. To acquire and replace equipment necessary to operate and maintain KUME-TV in Albuquerque, NM. Also, project will re-institute translator in the Farmington, Herfano, and Bloomfield areas. Translators will replace service previously provided by San Juan Non-Profit TV.

File No. 3254RBC, Regents of Univ of New Mexico, 305 Onate Hall, Campus & Girard, Albuquerque, NM 87131. Signed by: Ivan Martinez, Manager, Contracts and Grants. Funds requested: $37,350. Total Project Cost: $49,800. To replace worn out origination equipment at KUNM-FM, Albuquerque. Station provides service to approximately 660,000 in northern and central NM. Station is only NPR/CPB qualified station in geographic area.

File No. 3089CRB, Northern New Mexico Community College, POB 250, US285 ½m. n/City Hall, Espanola, NM 87532. Signed by: Ted J. Trujillo, VP of Student Affairs & Inst Opr. Funds Requested: $45,723. Total Project Cost: $60,964. To extend the signals of KANW/KUNM, Albuquerque, by FM translator. Translator will provide first service to 20,000 in Espanola area. Project proposes local origination capability for translator. Station will serve Rio Arriba and Santa Fe counties.

File No. 3262CRB, Regents of New Mexico State University, Milton Hall, Room 120, Las Cruces, NM 88003. Signed by: John J. Monagle, Dir Arts & Science Research Cntr. Funds Requested: $18,950. Total Project Cost: $25,267. To extend the signal of KRWG-FM by translators in four NM cities. Alamogordo on 89.5, Silver City on 91.3, Lordsburg on 91.9, and Truth or Consequences on 91.9, will receive first public radio signals. Project will provide first service to 54,074 citizens.

File No. 3330CTB, Regents of New Mexico State University, Milton Hall, Room 110, Las Cruces, NM 88003. Signed by: Jane A. Youngers, Dir Office of Grants & Contracts. Funds Requested: $32,625. Total Project Cost: $43,500. To improve the efficiency of KRWG-TV, operating on Channel 22 in Las Cruces, NM. Project would purchase an energy-saving device for the UHF which would save $9,500 per year in electrical costs.

File No. 3010CRB, Ramah Navajo School Board, Inc., P.O. Box 18, Ramah, NM 87321. Signed by: Bennie Cohoe, Executive Director. Funds Requested: $295,506. Total Project Cost: $394,008. To expand the service of KTDB-FM in Ramah. Signal will extend into the Shiprock Agency in parts of NM, AZ, and UT. Service will be provided by translators with local origination. Translators will be connected via microwave.

File No. 3198CRB, Fine Arts Radio, Inc., 1010 San Lorenzo Drive, Santa Fe, NM 87501. Signed by: William Dunning, Project Director. Funds Requested: $121,347. Total Project Cost: $161,797. To extend signal of KUNM-FM by use of translators in Santa Fe and Los Alamos. Project would provide local origination capacity of FM translators. Stations would be connected by microwave relay. Project would provide first acceptable local services to area.

Nevada

File No. 3321PRTB, Rural Television System, Inc., 70 Artemisa, Reno, NV 89507. Signed by: Daniel J. Tone, Executive Director. Funds Requested: $328,000. Total Project Cost: $328,000. To plan for the establishment of first service public broadcasting in unserved rural areas of the western United States, including, but not only California, Nevada, Montana, Wyoming, and Minnesota. Project proposes to approach at least 40 rural communities.

New York

File No. 3160CRB, Genesee Community College, 1 College Road, Batavia, NY 14020. Signed by: Chuck Platt, Associate Professor. Funds Requested: $22,500. Total Project Cost: $30,000. To construct an FM radio station operating at 90.7 MHZ with a power of 534 watts to provide local program service to the community with an accent on student training.

File No. 3107CRB, UHURU Communications, Inc., POB 653 Westview Station, Binghamton, NY 13905. Signed by: Ashimba A. Tariq, President. Funds Requested: $113,951. Total Project Cost: $151,934. To construct a minority owned and operated radio station which will provide an alternate program service for Binghamton, Endicott, Johnson City, and Broome County, operating on 91.5 with a power of 1000 watts.

File No. 3197CRB, STETA, Inc., 1168 Conklin Road, Binghamton, NY 13902. Signed by: Michael J. Ziegler, President & General Manager. Funds Requested: $138,723. Total Project Cost: $184,965. To extend the radio signal of WSKG-FM via six translators in order to provide the first radio service to six of the unserved cities in the southern tier—Corning, Cortland, Watkins Glen, Ithaca, Mansfield, and Oneonta.

File No. 3076CRB, Sun Ship Communications, Inc., 763 Humboldt Parkway, Buffalo, NY 14208. Signed by: Clarence Smith, Chairman of the Board. Funds Requested: $300,000. Total Project Cost: $600,000. To construct a minority-owned AM radio station in Buffalo, operating on 820 KHZ with a daytime power of 50 KW and a nighttime power of 2.5 KW in order to provide minority focused educational and informational progams for the greater western New York area.

File No. 3041CRB, St. Lawrence University, Payson Hall, Canton, NY 13617. Signed by: James A. Arvidson, Director of Broadcasting. Funds Requested: $17,250. Total Project Cost: $24,750. To secure a new antenna with a power gain of 2.5 which is necessary in order for WSLU to get the 18 KW effective radiated power needed to provide the first radio signal to 120,000 people.

File No. 3313CRB, Boces #1 Monroe County, 41 O'Connor Road, Fairport, NY 14450. Signed by: Kenneth F. Harris, Superintendent. Funds Requested: $88,442. Total Project Cost: $117,923. To expand the transmitter power of WRHR-FM from 10 watts to 2500 watts and interconnect three high school production studios by a microwave system in order to provide a network of instructional programs for the Rochester area.

File No. 3018CRTB, The Public Broadcasting Council of Central New York, 506 Old Liverpool Road, Liverpool, NY 13088. Signed by: Richard W. Russell, President & General Manager. Funds Requested: $364,147. Total Project Cost: $485,530. To provide the first public radio signal for Utica and Watertown via repeater transmitters. To provide SCA receivers for Syracuse, Utica and Watertown, and replace three worn out video tape recorders.

File No. 3170CTN, Chinese Community TV Network, 22 East Broadway, New York, NY 10002. Signed by: Chung Lo, President. Funds Requested: $375,000. Total Project Cost: $500,000. To install 30 city blocks with an industrial-type cable system to provide 100,000 Asians in Chinatown with local programs and to improve the origination capability of the Chinese Community TV Network's production studio.

File No. 3235CTB, Educational Broadcasting Corp., 356 West 58th Street, New York, NY 10019. Signed by: Charles S. Warren, Sr. VP, Chief Admin. Officer. Funds Requested: $453,750. Total Project Cost: $605,000. To replace worn out and obsolete local and national origination equipment essential to maintain and improve WNET's considerable program commitments.

File No. 3270PTN, Asian-Cine-Vision, Inc., 32 East Broadway, New York, NY 10002. Signed by: Peter Chow, Executive Director. Funds Requested: $46,410. Total Project Cost: $46,410. To plan the establishment of an Asian American Program Network by the development of a broadcast facility in New York and the most effective system for delivery of Asian programming to the target cities.

File No. 3295CTN, Hispanic Information & Telecomunications Network, 80 East 11th Street, New York, NY 10003. Signed by: Jose Luis Rodriguez, President. Funds Requested: $561,149. Total Project Cost: $748,199. To establish a complete production studio and microwave linkage to WNYE-TV for broadcast to the Western Union uplink satellite transponder for cable distribution in order to serve the communications needs of the Hispanic community in the Nation.

File No. 3134CTN, New York Institute of Technology, Wheatly Road, Old Westbury, NY 11568. Signed by: Mathew Schure, President. Funds Requested: $158,931. Total Project Cost: $211,910. To establish a microwave interconnect between New York Institute of Technology and cable systems in Manhattan and Nassau Counties, providing cultural and educational programs to meet the needs of minorities and women.

File No. 3285CTB, Northeast New York Public Telecommunications Council, Inc., PO Box 617, Plattsburgh, NY 12901. Signed by: Gerald K. Bates, President & General Manager. Funds Requested: $315,193. Total Project Cost: $420,258. To correct severe deficiencies in the signal coverage of WCFR-TV by replacing the antenna and RF exciter and replacing worn out and unreliable local origination equipment. The transmission upgrade will povide first service to 15,000 people in the Plattsburgh area.

File No. 318CTB, State University College at Potsdam, Pierrepont Avenue, Potsdam, NY 13676. Signed by: Dr. Cornelius Robbins, Acting President. Funds Requested: $124,215. Total Project Cost: $165,620. To establish a low-powered TV station at the State University College at Potsdam to provide local program service to the 18,000 residents in the community.

File No. 3094CTB, Rochester Area ETV Assoc., Inc., 280 State Street, Rochester, NY 14614. Signed by: William J. Pearce, President. Funds Requested: $330,000. Total Project Cost: $440,000. To provide an additional program service over cable designed to serve Rochester's 92,000 Black and Hispanic residents and to replace worn out production equipment.

File No. 3281CRB, Mohawk-Hudson Council on Educational TV Inc, P. O. Box 17, Schenectady, NY 12301. Signed by: Donald E. Schein, President. Funds Requested: $8,000. Total Project Cost: $8,000. To extend WMHT's radio information service for the print handicapped by securing an additional 100 SCA receivers.

Ohio

File No. 3185CTB, Ohio Univeristy Telecommunications Center, 9 S. College Street, Athens, OH 45701. Signed by: Ron Barr, Associate Provost. Funds Requested: $59,962. Total Project Cost: $79, 962.To upgrade the production capability of Ohio public TV stations WOUB, Channel 20, serving Athens and WOUC, Channel 44, serving Cambridge.

File No. 3122CTB, Bowling Green State University, Troup Avenue, Bowling Green, OH 43403. Signed by: Garrett T. Heberlein, Vice Provost for Research. Funds Requested: $755,514. Total Project Cost: $1,245,514. To increase ERP and replace transmitter of WGBU-TV which will provide first public TV service to 47,000 people in SE Michigan and NW Ohio.

File No. 3120CTB, The Ohio State University Telecommunications Center, 2400 Olentangy River Road, Columbus, OH 43210. Signed by: Dale K Ouzts, Director. Funds Requested: $1,024,072. Total Project Cost: $1,500,000. To replace transmitter and antenna of public TV station WOSU, Channel 34, serving Columbus, Ohio.

File No. 3106PRN, Miami Valley Radio Reading Service, Inc., Ste. 207 Roesch Library, Dayton, OH 45469. Signed by: Richard Dershem, Executive Director. Funds Requested: $20,000. Total Project Cost: $20,000. To establish a radio reading service to serve the print handicapped of Dayton, Ohio. Radio station WQRP-FM will supply both air time and use of subcarrier.

File No. 3178CTB, The Public Broadcasting Foundation of Northwest Ohio, P.O. Box 30, Toledo, OH 43692. Signed by: Robert D. Smith, President & General Manager. Funds Requested: $221,945. Total Project Cost: $296,945. To upgrade WGTE, a public TV station operating on Channel 30 and serving Toledo, Ohio, by replacing essential VTR units and editing system and acquiring state-of-the-art production equipment.

Oklahoma

File No. 3268CRB, University of Oklahoma, 780 Van Vleet Oval, Norman, OK 73019. Signed by: Taylor C. Anthony, Dir Office Research Admin. Funds Requested: $58,401. Total Project Cost: $77,868. To augment existing local origination facilities of KGOU-FM in Norman and provide a satellite earth terminal for greater flexibility of programming.

File No. 3339CRB, Carrie Williams Communication Foundation, Inc., Box 48538, Tulsa, OK 74106. Signed by: Gerald L. Davis, Chairman, Bd. of Directors. Funds Requested: $74,460. Total Project Cost: $99,280. To construct a minority owned and operated radio station, operating on 88.7 MHZ with a power of 3 KW in Tulsa.

Oregon

File No. 3133CRB, State of Oregon Acting by and through State Board of Higher Education, 1250 Siskiyou Blvd., Ashland, OR 97520. Signed by: Ernest E. Ettlich, Dean of Academic Affairs. Funds Requested: $30,906. Total Project Cost: $41,208. To extend the signal of KSOR-FM, operating on 90.1 MHZ from Ashland, OR, by translator to provide first public radio service to rural communities in northern California of Dunsmuir, McCloud and Mt. Shasta City, and to replace outdated equipment which prevents KSOR from providing adequate, quality service to its listeners.

File No. 3173PTN, Oregon Association of Hospitals Fdn., 220 S.W. Morrison, Portland, OR 97204. Signed by: Steven D. Berkshire, President. Funds Requested: $132,710. Total Project Cost: $132,710. To plan for a comprehensive broadcast system for the purpose of broadcasting health education to professionals and patients within hospitals and the community.

File No. 3174CRB, State of Oregon Acting by and through Oregon Commission on Public Broadcasting, 2828 SW Front Avenue, Portland, OR 97201. Signed by: Gerald L. Appy, Executive Director. Funds Requested: $183,000. Total Project Cost: $260,000. To upgrade and extend the signal of KOAP-FM, operating on 91.5 MHZ in Portland by replacing its transmitter and moving its antenna to a new tall tower (to be shared by KOAP-TV and other entities) which is being constructed at an antenna farm. This project will permit 300,000 additional persons to receive Oregon's flagship public radio station for the first time

File No. 3357CRB, KBOO Foundation, 20 S.E. 8th Avenue, Portland, OR 97214. Signed by: David F. Keyes, Treasurer. Funds Requested: $10,235. Total Project Cost: $13,647. To replace the antenna of public radio station KBOO–FM operating on 90.7 MHZ in Portland, OR, and provide a reliable, continuous signal to all listeners within the community.

Pennsylvania

File No. 3201, Bloomsburg State College, Main & Penn. Streets, Bloomsburg, PA 17815. Signed by: James H. McCormick, President. Funds Requested: $22,615. Total Project Cost: $30,154. To activate a cable access center based at Bloomsburg State College and serving the community of Bloomsburg, Pennsylvania.

File No. 3130CNBT, South Central Educational Broadcasting Council, 1982 Locust Lane, Harrisburg, PA 17109. Signed by: Dr. Robert Larson, President and General Manager. Funds Requested: $598,447. Total Project Cost: $797,929. To extend via translator the signal of WITF in Harrisburg, Pennsylvania, to unserved Franklin County, to improve the WITF signal received in Chambersburg, and to establish a narrowcasting telecommunication system of ITFS and cable.

File No. 3343CRB, Indiana University of Pennsylvania, 121 Stouffer Hall, Indiana, PA 15705. Signed by: Kurt P. Dudt, Assistant Professor. Funds Requested: $48,550. Total Project Cost: $64,733. To improve signal of public radio station WIUP serving Indiana, Pennsylvania.

File No. 3161CRB, Spanish American Civic Association, 545 Pershing Avenue, Lancaster, PA 17602. Signed by: Iris Macrae, President. Funds Requested: $35,595. Total Project Cost: $46,095. To activate a 100 watt public radio station which will provide first service to Lancaster and to the Hispanic community.

File No. 3093CTB, Metro. Pittsburgh Public Broadcasting, Inc., 4802 Fifth Avenue, Pittsburgh, PA 15213. Signed by: Henry Enright, Assistant to the President. Funds Requested: $113,010. Total Project Cost: $150,680. To extend by translator the signal of public TV station WQED–TV, serving Pittsburgh, to the unserved area of Somerset, Pennsylvania.

File No. 3168CRB, Northeastern Pennsylvania Educational TV Association, Old Boston Road, Pittston, PA 18640. Signed by: Dr. John E. Walsh, President & General Manager. Funds Requested: $6,178. Total Project Cost: $8,238. To extend via translators the signal of public radio station WUIA–FM, currently serving the Pittston area, to the unserved community of Allentown, Pennsylvania.

File No. 3259CTN, Northeastern Pennsylvania Educational TV Association, Old Boston Road, Pittston, PA 18640. Signed by: John E. Walsh, President & General Manager. Funds Requested: $111,317. Total Project Cost: $148,423. To activate a regional narrowcast distribution network using ITFS to provide instructional, educational, and informational programming to the Scranton-Wilkes Barre, Pennsylvania area.

File No. 3289CTB, Pennsylvania State University, Wagner Annex, University Park, PA 16802. Signed by: Robert J. Scannell, VP, Dean Commonwealth Educ Syst. Funds Requested: $113,010. Total Project Cost: $150,680. To extend via translators, the signal of public televison station WPSX–TV to Bedford and Fulton Counties in Pennsylvania.

Puerto Rico

File No. 3085TBC, Ana G. Mendez Education Foundation, Caretera Estatal #176, POB E, Rio Piedras, RQ 00928. Signed by: Jose F. Mendez, President. Funds Requested: $449,167. Total Project Cost: $635,390. To activate a repeater noncommercial TV station on Channel 26, Jayuya, Puerto Rico, to serve the metropolitan area of Ponce and rural isolated communities near the mountains of that city with first service educational programming.

South Carolina

File No. 3064CRB, Barnwell School District 19, Pascallas Streets, Blackville, SC 29817. Signed by: Richard L. Huggins, Superintendent. Funds Requested: $36,148. Total Project Cost: $48,198. To establish a 100 watt FM station on 91.9 MHZ in Blackwell, SC. Station will be located in Blackwell High School and will provide first public signal to 30,000. Station will be staffed by volunteers and students.

File No. 3179CRB, South Carolina Educational TV Commission, 2712 Millwood Avenue, Columbia, SC 29205. Signed by: Henry J. Cauthen, President & General Manager. Funds Requested: $79,841. Total Project Cost: $106,455. To establish a new public FM radio station on 90.1 MHZ in Conway which will provide first public and institutional radio service to 153,498 people. Station will serve Georgetown, Horry and Marion Counties. The station will initially repeat the SCETV signal from Columbia.

File No. 3182CRB, South Carolina Educational TV Commission, 2712 Millwood Avenue, Columbia, SC 29250. Signed by: Henry J. Cauthen, President & General Manager. Funds Requested: $112,004. Total Project Cost: $149,339. To establish a new public FM radio station on 91.7 MHZ in Greenwood which will provide first public and institutional radio services to 105,000 people. Station will serve Abbeville, Greenwood and Newberry Counties. The station will initially repeat the SCETV signal from Columbia.

South Dakota

File No. 3117CRB, South Dakota Educational TV Board, 310 E. Clark Street, Vermillion, SD 57069. Signed by: Martin P. Busch, Excutive Director. Funds Requested: $88,399. Total Project Cost: $118,285. To construct a public radio station near Reliance, SD, to operate on 91.1 MHZ and provide first public radio programming to approximately 52,000 residents.

File N0. 3136CRB, South Dakota Educational TV Board, 310 E. Clark Street, Vermillion SD 57069. Signed by: Martin P. Busch, Executive Director. Funds Requested: $46,308. Total Project. Cost: $61,745. To construct a public radio station at Rapid City, SD, to operate on 90.5 MHZ and provide first public radio programming service to approximately 72,000 residents of western South Dakota.

Tennessee

File No. 3324CRB, Southern Missionary College, PO Box 870, Collegedale, TN 37315. Signed by: Richard Reiner, Business Manager. Funds Requested: $30,461. Total Project Cost: $40,615. To improve and upgrade the studio production equipment for WSMC–FM in Collegedale, which provides program service for the Chattanooga area.

File No. 3090CTN, Kingsport City School System, 1800 Legion Drive, Kingsport, TN 37664. Signed by: Dr. Ralph E. Evans, Superintendent. Funds Requested: $191,520. Total Project Cost: $296,153. To construct two ITFS systems, one at Kingsport and one at Johnson City along with a multi-cable distribution system in order to produce and transmit a continuing series of educational TV programs.

File No. 3224CTB, Tennessee State Board of Education, 209 Communications Bldg., Knoxville, TN 37916. Signed by: Dr. Robert L. McElrath, Commissioner on Education. Funds Requested: $475,252. Total Project Cost: $661,299. To replace a worn out, unreliable TV transmitter for WSJK, Channel 2, and thereby improve the quality and overall reliability of the signal delivery throughout the station's service area of Knoxville and the tri-

cities of Kingsport, Bristol, and Johnson City.

File No. 3097CRB, Memphis Community TV Foundation Box 80000, Memphis, TN 38512. Signed by: Howard D. Holst, Treasurer. Funds Requested: $56,520. Total Project Cost: $84,770. To increase WKNO's effective radiated power to 100 KW by securing a new antenna and thereby bring the first radio signal to 40,200 people.

File No. 3296CRB, Radio Free Broadcasting, 156 Drakes Lane, Summertown, TN 38483. Signed by: Jeffrey Keating, Station Manager. Funds Requested: $25,087. Total Project Cost: $33,450. To extend the coverage of WUTZ–FM in Summertown by expanding the transmitter power from 10 W to 300 W and improve local origination capability. WUTZ is in the 1M/V per meter coverage radius of WUOT–FM, 100,000 W in Knoxville.

Texas

File No. 3329PTNP, Southwest Center for Educational TV, 7703 N. Lamar Blvd., Suite 500, Austin, TX 78752. Signed by: Louis Barbash, General Manager. Funds Requested: $24,890. Total Project Cost: $24,890. To plan for a national cable network that will offer programming of special interest to ethnic groups. Project will survey the interest in ethnic programming and evaluate the means of electronic dissemination.

File No. 3119TNP, Navarro College, 4200 West Highway 31, Corsicana, TX 75110. Signed by: Kenneth P. Walker, President. Funds Requested: $22,818. Total Project Coast: $22,818. To plan the design of video-based interactive telecommunications system between the main campus in Corsicana and the distant educational centers. Educational centers are located in Waxahachie, Ennis, and Mexia. Project would benefit 3,000 people.

File No. 3163CRB, Public Comm Foundation for North Texas, 3000 Harvey Hines Blvd., Dallas, TX 75201. Signed by: Richard J. Meyer, President. Funds Requested: $283,849. Total Project Cost: $378,466. To extend and improve the signal of KERA–FM on 90.1 MHZ in Dallas. Project would increase power and replace worn out equipment. Station will serve north central Texas including Dallas and Forth Worth.

File No. 3063CTB, El Paso Public TV Foundation, P.O. Box 146, El Paso, TX 79942. Signed by: Dr. William R. Williams, Chairman. Funds Requested: $131,064. Total Project Cost: $174,752. To improve the signal of KCOS–TV in El Paso. Project proposes to replace worn out equipment.

File No. 3038CRB, University of Houston, 4600 Gulf Freeway, Suite 500, Houston TX 77023. Signed by: Dr. Robert C. Maxson, Sr. V.P. Academic Affairs. Funds Requested: $153,937. Total Project Cost: $205,250. To extend the signal of noncommercial radio station, KUHF, in Houston. Project will provide first public radio signal to 90,771. KUHF proposes to relocate transmitter and increase antenna height.

File No. 3309CTB, Central Texas College, Highway 190 West, Killeen, TX 76542. Signed by: Marjory I. Crane, Deputy Chancellor for Contracts. Funds Requested: $175,062. Total Project Cost: $233,417. To improve the facilities of KNCT–TV in Killeen. Proposal would replace worn out TV equipment. Station provides only service to approximately 480,000 in central Texas.

File No. 3193CTB, Odessa Jr. College District, 201 West University, Odessa, TX 79762. Signed by: Phillip T. Speegle, President. Funds Requested: $409,275. Total Project Cost: $545,700. To activate new nonncommercial TV station on Channel 36 in Odessa, which will serve 305,000 in Ector, Midland and Andrews Counties.

Utah

File No. 3057CRTBN, University of Utah, Media Services Department, 204 James Talmage Building, Salt Lake City, UT 84112. Signed by: James J. Brophy, Vice President for Research. Funds Requested: $1,878,633. Total Project Cost: $2,504,884.To extend the signal of KUSU–FM with two FM translators to serve the Uintah Basin area. To interconnect via microwave the cities of Park City, Coalville, Herber, Roosevelt, Vernal and Manila with existing state systems, to acquire production equipment for Snow College in Ephriam, to replace KUER–FM's transmitter and antenna, and to upgrade KUED–TV production capability.

Virginia

File No. 3269TBNP, Northern Virginia Community College, 8333 Little River Turnpike, Annandale, VA 22003. Signed by: Richard J. Ernst, President. Funds Requested: $76,079. Total Project Cost: $117,289. To plan for the increased utilization of existing telecommunications resources in northern Virginia.

File No. 3102CTB, Shenandoah Valley Educational TV Corp., Port Republic Road, Harrisonburg, VA 22801. Signed by: Richard L. Parker, Exec. VP/General Manager. Funds Requested: $145,325. Total Project Cost: $193,834. To replace obsolete translator in Luary, and also increase station coverage to unserved communities. To replace worn out production equipment.

File No. 3131CRB, Hampton Roads Educational Telecommunications Assoc., Inc., 5200 Hampton Blvd., Norfork, VA 23508. Signed by: John R. Morison, President and General Manager. Funds Requested: $109,252. Total Project Cost: $145,670. To replace worn out and obsolete transmission, origination, and interconnection equipment to provide quality service to greater Norfolk community.

File No. 3135CTB, Hampton Roads Educational telecommuinications Association, Inc., 5200 Hampton Boulevard, Norfolk, VA 235508. Signed by: John R. Morison, President and General Manager. Funds Requested: $747,387. Total Project Cost: $996,515. To replace worn out and obsolete production equipment and to complete transmitter efficiency project, both of which will strengthen the quality of service to greater Norfolk community.

File No. 3048PTN, Viriginia Commonwealth University, 1015 W. Main St., 4052 Oliver H1., Richmond, VA 23284. Signed by: Herbert B. Chermside, Dir. of Spon. Program Admin.. Funds Requested: $63,448. Total Project Cost: $63,448. To plan for the most feasible interconnection of adult education programs nationwide using modern telecommunications. Project intended to service nation's illiterate population.

File No. 3083TNC, Richmond Public Schools, 301 N. Ninth Street, Richmond, VA 23219. Signed by: Dr. James W. Tyler, Deputy Superintendent. Funds Requested: $320,205. Total Project Cost: $426,900. To extend current ITFS in Richmond with the addition of two more channels and necessary production equipment for servicing overall Richmond community.

File No. 3311TNC, Central Virginia Educational TV Corp., 22 Sesame Street/PO Box 23, Richmond, VA 232235. Signed by: Richard E. Hall, Vice President/Broadcasting. Funds Requested: $175,123. Total Project Cost: $233,498. To establish instructional television services for higher educational offerings as well as to connect with other existing ITFS at the local level.

File No. 3146TNC, National University of the Air, Inc., 1118 Ironbound Road, Williamsburg, VA 23185. Signed by: John A. Curtis, Chairman of the Board. Funds Requested: $1,182,870. Total Project Cost: $1,577,160. To expand the educational, medical, and social services telecommunications network in Tidewater, Virginia, Atlanta, Georgia, Washington, D.C, and other cities by purchasing dissemination and origination equipment.

Virgin Islands

File No. 3095CTB, Virgin Islands Public Television System, 8A Ross Estate/ Barbel Plaza S., Charlotte Amalie, VQ 00801. Signed by: Orville Kean, Board Chairman. Funds Requested: $299,978. Total Project Cost: $399,978. To replace essential broadcast dissemination facilities and improve origination equipment of public television station WTJX, Channel 12, Virgin Islands Public TV system, Charlotte Amalie, U.S. Virgin Islands to provide program services to the islands of St. John, St. Croix and St. Thomas.

Washington

File No. 3214CRB, Public Radio for Okanogan Valley, RTE 2, Klein Apts., No. 3, Okanogan, WA 98840. Signed by: John Wilson, President. Funds Requested: $4,481. Total Project Cost: $5,975. To extend the signal of KPBX–FM, Spokane, WA, by translator on Omak Mtn. to bring first public radio programming to residents of central Okanogan Valley including a portion of the Colville Indian Reservation.

File No. 3195PRB, Seattle Public Library, 1000 4th Avenue, Seattle, WA 98104. Signed by: Ronald A. Dubberly, City Librarian. Funds Requested: $35,773. Total Project Cost: $35,773. To plan for statewide accessibility of radio reading services designed for individuals who cannot read because of visual or physical handicaps. Such service is currently limited to 1,300 recipients in the greater Seattle area from transmission via the SCA of KUOW–FM licensed to the University of Washington.

File No. 3246CRB, University of Washington, 325 Communications Bldg., Seattle, WA 98195. Signed by: Donald R. Baldwin, Director, Grant Services. Funds Requested: $148,455. Total Project Cost: $197,940. To upgrade and replace the transmission facilities of public radio station KUOW–FM to assure continued service to 80,000 persons and first service to 85,000 persons within Seattle by overcoming limitations of obsolete equipment and hilly terrain, more reliable signals to the Bellevue-Redmond area, and establishment of a solid signal for future expansion of public radio to unserved northwestern Washington communities by translators and a repeater station.

File No. 3158CRB, Pacific Lutheran University, Inc., P.O. Box 2068, Tacoma, WA 98447. Signed by: William O. Rieke, President. Funds Requested: $55,011. Total Project Cost: $73,349. To extend the signal of KPLU–FM, operating on 88.5 MHZ at Tacoma, by translators to reach unserved communities in southwest Washington encompassing the Counties of Grays Harbor, Pacific, Wahkiakum, Lewis, Cowlits as well as parts of Clark.

Wisconsin

File No. 3032CTN, Lakeshore Technical Institute, 1290 North Avenue, Cleveland, WI 53015. Signed by: Frederick J. Nierode, District Director. Funds Requested: $34,800. Total Project Cost: $46,500. To provide the first local public telecommunications service (videotex) for the predominantly rural population of 120,000 and to upgrade worn out production equipment.

File No. 3156CTB, State of Wisconsin Education Communications Board, 732 N. Midvale Blvd., Madison, WI 53705. Signed by: Viggo Rasmusen, Chairperson. Funds Requested: $155,175. Total Project Cost: $206,900. To expand the state educational TV system to provide the network service to the unserved areas of Florence and Adams Counties via translators.

West Virginia

File No. 3086CRB, West Virginia Educational Broadcasting Authority, B424 Bldg., Six State Capitol, Charleston, WV 25305. Signed by: Presley D. Holmes, Executive Director. Funds Requested: $596,466. Total Project Cost: $1,020,016. To construct three FM public radio stations serving Parkersburg, Keyser, and Martinsburg, WV and a microwave system which will distribute from Charleston to the new station a radio reading service. The microwave system will also interconnect three West Virginia public TV stations.

File No. 3139CRB, Kanawha Economic Development Corp., One Bruce Street, Institute, WV 25112. Signed by: Robert T. Lipscomb, President. Funds Requested: $109,034. Total Project Cost: $145,366. To activate a job training program in conjunction with a previously funded public radio station to operate on 90.9 in Institute, West Virginia.

Wyoming

File No. 3143PRB, University of Wyoming, Box 3984 University Station, Laramie, WY 82071. Signed by: Durward Long, Acting Vice President/Finance. Funds Requested: $24,500. Total Project Cost: $24,500. To study the feasibility of and ways and means to extend the educational and cultural resources of the University of Wyoming to all areas of the State by means of telecommunications including noncommercial radio and television.

File No. 3316PRB, Big Horn Basin Foundation for Public Broadcasting, 864 Lane 11½, Powell, WY 82435. Signed by: Paul D. Friend, Registered Agent. Funds Requested: $24,436. Total Project Cost: $27,936. To plan for a noncommercial radio station which will bring a first public radio signal to nearly 24,000 residents of the Big Horn Basin, primarily Park County and the northwestern portion of Big Horn County.

File No. 3016CRB, Goshen Public Radio Committee, 215 E. 21st Street, Torrington, WY 82240. Signed by: Robert Heyl, Chairman. Funds Requested: $6,000. Total Project Cost: $8,000. To extend by translator the signal of KUWR–FM, Laramie, WY, to bring first public radio service to the residents of Torrington, WY.

Deferred List of Applications Submitted to PTFP for Fiscal Year 1983

Arizona

New file no. 3336CTB; old file no. 2030; Case Grande Union High School, Case Grande.

New file no. 3144CTB; old file no. 2362; University of Arizona Board of Regents, Tucson.

California

New file no. 3206CTN; old file no. 2346; California State University, Carson.

New file no. 3188PTN; old file no. 2273; Imperial County Office of Educ, El Centro.

New file no. 3003PTN; old file no. 2067; Deaf Informed Communications Resource Center, Fremont.

New file no. 3304CRB; old file no. 2302; International Institute of Los Angeles, Los Angeles.

New file no. 3194CTN; old file no. 2200; Peralta Community College District, Oakland.

New file no. 3054CTB; old file no. 2106; Black TV Workshop of Los Angeles, Inc., Pacoima.

New file no. 3287CTB; old file no. 2098; Central California Educational TV Inc., Sacramento.

Colorado

New file no. 3079CTB; old file no. 2154; Gunnison Metropolitan Recreation Dist., Gunnison.

New file no. 3211CRB; old file no. 2070; Five County Public Telecommunications NRP Project, Lake George.

New file no. 3276CTB; old file no. 2076; County of San Miguel, Telluride.

Connecticut

New file no. 3047PTN; old file no. 2040; Cmty Renewal Team of Greater Hartford, Hartford.

New file no. 3099CTB; old file no. 2159; Connecticut Educational Telecommunications Corp., Hartford.

New file no. 3100CTN; old file no. 2156; Connecticut Educational Telecommunications Corp., Hartford.

New file no. 3203PTN; old file no. 2059; City of New Britain, New Britain.

Washington, DC

New file no. 3006CTB; old file no. 2057; Greater Washington Educational Tel. Association, Washington.

New file no. 3068CTB; old file no. 2009; Howard University, Washington.

New file no. 3082CRB; old file no. 2179; Pacifica Foundation, Inc. Washington.

Florida

New file no. 3020PRTBN; old file no. 2224; Brevard Community College, Cocoa.

New file no. 3031PRTB; old file no. 2038; School Board of Broward County, Ft. Lauderdale.

New file no. 3354CRB; old file no. 2045; Broward Public Radio Assoc., Inc. Ft. Lauderdale.

New file no. 3299PRN; old file no. 2189; Latinos in Public Radio in Florida, Inc., Lake Worth.

New file no. 3189CRB; old file no. 2216; School Board of Dade County, Miami.

New file no. 3217CTB; old file no. 2093; Community TV Foundation of South Florida, Inc., Miami.

New file no. 3229CTN; old file no. 2260; School Board of Marion County, Ocala.

New file no. 3164CTB; old file no. 2242; Community Communications, Inc., Orlando.

New file no. 3306CRB; old file no. 2297; Florida A&M University, Tallahassee.

New file no. 3028CTB; old file no. 2335; Univ. of South Florida, Tampa.

New file no. 3029CTB; old file no. 2336; Univ. of South Florida, Tampa.

New file no. 3221CRB; old file no. 2180; Nathan B. Stubblefield Foundation., Tampa.

New file no. 3230CTB; old file no. 2133; Florida West Coast Public Broadcasting, Inc. Tampa.

Iowa

New file no. 3260PTB; old file no. 2065; Northern Trails Area Education Agency, Clear Lake.

New file no. 3349CRB; old file no. 2341; Urban Community Broadcasting, Des Moines.

Idaho

New file no. 3012CRTB; old file no. 2328; State Board of Education, Boise.

Illinois

New file no. 3002CTB; old file no. 2043; Chicago Educational TV Association, Chicago.

Indiana

New file no. 3305CTN; old file no. 2245; Northwest Indiana Public Broadcasting, Highland.

New file no. 3034CTB; old file no. 2036; Metro. Indianapolis TV Association, Inc. Indianapolis.

New file no. 3037CTN; old file no. 2284; City of Lake Station, Lake Station.

Kansas

New file no. 3356CTB; old file no. 2168; Johnson County Community College, Overland Park.

New file no. 3191CTB; old file no. 2027; Washburn Univ. of Topeka, Topeka.

Massachusetts

New file no. 3322PTNB; old file no. 2203; Emerson College, Boston.

New file no. 3257CTN; old file no. 2249; Clarke School for the Deaf, Northampton.

Maryland

New file no. 3258CRB; old file no. 2016; John Hopkins University, Baltimore.

Maine

New file no. 3204PTN; old file no. 2233; Medical Care Development, Inc., Augusta.

Michigan

New file no. 3109CTB; old file no. 2014; Grand Valley State College, Allendale.

New file no. 3110CRB; old file no. 2015; Grand Valley State College, Allendale.

New file no. 3196PTN; old file no. 2221; Bay De Noc Community College, Escanaba.

New file no. 3105CRB; old file no. 2048; Central Michigan University Public Broadcasting, Mt. Pleasant.

New file no. 3026CRB; old file no. 2109; Delta College, University Ctr.

Minnesota

New file no. 3019CRB; old file no. 2129; Minnesota Public Radio, Inc., St. Paul.

Missouri

New file no. 3301CRB; old file no. 2278; Mid-Coast Radio Project, Inc., Kansas City.

New file no. 3153CTB; old file no. 2301; Double Helix Corp., St. Louis.

New file no. 3347CRN; old file no. 2299; Missouri Federation of the Blind, St. Louis.

Montana

New file no. 3342CTB; old file no. 2135; Blaine County Public TV, Inc., Chinook.

North Carolina

New file no. 3007CRTBN; old file no. 2120; North Carolina Agency for Public Telecommunications, Raleigh.

New file no. 3023CRB; old file no. 2020; Friends of Public Radio, Wilmington.

New Mexico

New file no. 3344CRB; old file no. 2333; Eastern New Mexico University, Portales.

Nevada

New file no. 3341CTB; old file no. 2148; Channel 5 Public Broadcasting, Inc., Reno.

New York

New file no. 3004CTN; old file no. 2008; Columbia Greene Community College, Hudson.

New File no. 3036PTB; old file no. 2343; Graduate School & University Center, CUNY, New York..

New file no. 3115CRN; old file no. 2355; The Radio Foundation, Inc., New York.

New file no. 3350PRB; old file no. 2298; American Foundation for the Blind, New York.

New file no. 3172CTB; old file no. 2112; Mohawk-Hudson Council Educational TV, Schenectady.

Ohio

New file no. 3138CTN; old file no. 2105; University of Akron TV Production Center, Akron.

New file no. 3125CTN; old file no. 2013; Bowling Green State University, Bowling Green.

New file no. 3027CTB; old file no. 2019; Greater Cincinnati TV Educational Foundation, Cincinnati.

New file no. 3078PTN; old file no. 2357; Russell-Robinson Comm. Serv. Inc., Columbus.

New file no. 3190CRB; old file no. 2184; Dayton Public Radio, Inc., Dayton.

New file no. 3233CTB; old file no. 2117; Greater Dayton Public TV, Inc., Dayton.

New file no. 3323CRB; old file no. 2062; Toledo Board of Education, Toledo.

Oregon

New file no. 3207CTN; old file no. 2094; Lane Community College, Eugene.

Pennsylvania

New file no. 3351CRB; old file no. 2287; Solebury School, New Hope.

New file no. 3312CRB; old file no. 2161; Temple University, Philadelphia.

New file no. 3111CRB; old file no. 2234; Metro Pittsburgh Public Broadcasting, Pittsburgh.

New file no. 3141 CTB; old file no. 2296; Metro. Pittsbugh Public Broadcasting, Pittsburgh.

New file no. 3273CRB; old file no. 2290; Pittsburgh Comm. Brdcstg. Corp., Pittsburgh.

New file no. 3332CTN; old file no. 2286; Borough of Pottstown, Pottstown.

Puerto Rico

New file no. 3052CRB; old file no. 2055; Catholic University of Puerto Rico Asn. Ponce.

Tennessee

New file no. 3290CRB; old file no. 2322; University of Tennessee, Chattanooga.

Texas

New file no. 3049CRB; old file no. 2025; South Texas Public Broadcasting System, Corpus Christi.

New file no. 3050CRB; old file no. 2024; South Texas Public Broadcasting System, Corpus Christi.

New file no. 3065CTB; old file no. 2026; South Texas Public Broadcasting System, Corpus Christi.

New file no. 3180CTB; old file no. 2342; Public Communications Foundation for North TX, Dallas.

New file no. 3352CRB; old file no. 2229; North Texas Reading Service, Inc., Dallas

New file no. 3039CTB; old file no. 2152; Denton Channel Two Fdn., Inc., Denton.

New file no. 3318CRB; old file no. 2149; ETCOM, Inc., El Paso.

New file no. 3056CTN; old file no. 2194; Region IV Educational Service Center, Houston.

New file no. 3315CBR; old file no. 2326; Texarkana Community College, Texarkana.

Virginia

New file no. 3255CTN; old file no. 2054; Center for Excellence, Inc., Williamsburg.

Vermont

New file no. 3162CTB; old file no. 2163; University of Vermont, Winooski.

West Virginia

New file no. 3249CRB; old file no. 2191; Trustees of Bethany College, Bethany.

Wyoming

New file no. 3021CRTB; old file no. 2139; Casper Community College District, Casper.

New file no. 3024CTB; old file no. 2276; Western Wyoming Community College, Rock Springs.

[FR Doc. 83-12389 Filed 5-9-83; 8:45 am]
BILLING CODE 3510-60-M

federal register

Tuesday
May 10, 1983

Part III

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Volume 886]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: May 4, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va. 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease

Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation

Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 886

Issued May 4, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION									
-AMINOIL USA INC				RECEIVED: 04/12/83		JA: MT			
8331862	2-82-52	2509121428		103		ANDERSON #1-34	WILDCAT	15.0	PHILLIPS PETROLEU
8331860	2-82-51	2509121428		102-Z		ANDERSON #1-34	WILDCAT	15.0	PHILLIPS PETROLEU
-CRESCENT PETROLEUM CORP				RECEIVED: 04/12/83		JA: MT			
8331858	2-82-49	2510122055		103		ADGEE MALONE #1 T33N R1W SEC 10	OLD SHELBY	36.5	OPTEK INC
8331861	2-82-48	2510122019		103		MONTANA POWER #1 T33N R1W	OLD SHELBY	91.3	OPTEK INC
8331859	2-82-47	2510122145		103		WEXPRO-WILLIAMS #1 T33N R1W	OLD SHELBY	36.5	OPTEK INC
OHIO DEPARTMENT OF NATURAL RESOURCES									
-ALLEN M ANDERSON				RECEIVED: 04/13/83		JA: OH			
8331863		3416727301	D	107-TF		DENNIS NOLAND #1	WARREN	10.0	
8331864		3416727304	D	107-TF		HEISS BROTHERS INC #3	MUSKINGUM	10.0	
-ALTEX INC				RECEIVED: 04/13/83		JA: OH			
8331865		3404520834		103		D ENGLE ETAL #3A	RUSH CREEK TOWNSHIP	2.8	
-ATLAS ENERGY GROUP INC				RECEIVED: 04/13/83		JA: OH			
8331866		3415522238		103	107-TF	SHELKO UNIT #1	BAZETTA	0.0	COLUMBIA GAS TRAN
8331867		3415522243		103	107-TF	WOLFORD STEFAN UNIT #1	BROOKFIELD	11.8	COLUMBIA GAS TRAN
-ATWOOD RESOURCES INC				RECEIVED: 04/13/83		JA: OH			
8331868		3403124969		107-TF		LOMER ETAL #2	CLARK	15.0	
-BERMAN J SHAFER				RECEIVED: 04/13/83		JA: OH			
8331869		3410323188		107-TF		BARNES #1	WESTFIELD	7.5	COLUMBIA GAS TRAN
8331870		3415321165		107-TF		RYDA-FRENCH UNIT #1	BATH	7.5	EAST OHIO GAS CO
-C T DRILLING CORP				RECEIVED: 04/13/83		JA: OH			
8331858		3416774200		103		WEST ROCKOIL #2	LUDLOW	22.5	RIVER GAS CO
-CANECO RESOURCES CORP				RECEIVED: 04/13/83		JA: OH			
8331873		3416923337		107-TF		HERSHBERGER #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8331874		3416923352		107-TF		HERSHBERGER #2	WILDCAT	0.0	COLUMBIA GAS TRAN
8331871		3416923331		107-TF		STEINER #1	WILDCAT	0.0	COLUMBIA GAS TRAN
8331872		3416923332		107-TF		STEINER #2	WILDCAT	0.0	COLUMBIA GAS TRAN
-CENTRAL ENERGY CO INC				RECEIVED: 04/13/83		JA: OH			
8331883		3411926099		107-TF		MINDEL #1	IRISH RIDGE	6.0	NATIONAL GAS & OI
-CHANSE PETROLEUM CORPORATION				RECEIVED: 04/13/83		JA: OH			
8331876		3400721440		107-TF		A C & G P JERDINE #3	NEW LYME	4.5	EAST OHIO GAS CO
8331881		3400721739		107-TF		A C & G P JERDINE #4	NEW LYME	4.5	EAST OHIO GAS CO
8331882		3400721781		107-TF		A C & G P JERDINE #5	NEW LYME	4.0	EAST OHIO GAS CO
8331880		3400721767		107-TF		H & H ARENDT #1	LENOX	3.1	EAST OHIO GAS CO
8331877		3400721454		107-TF		JAMES & WILMA HAMILTON #3	LENOX	3.4	EAST OHIO GAS CO
8331875		3400721435		107-TF		JEANNE FETTERS #1	DORSET	3.6	EAST OHIO GAS CO
8331879		3400721755		107-TF		JOSEPH & J MCINTOSH #1	NEW LYME	1.3	EAST OHIO GAS CO
8331878		3400721524		107-TF		STANLEY & VERONICA SCHOSSLER #1	JEFFERSON	4.8	EAST OHIO GAS CO
-CLARENCE SHERMAN				RECEIVED: 04/13/83		JA: OH			
8331884		3407523926		103	107-TF	L & B MILLER #1	CLARK	638.7	COLUMBIA GAS TRAN
-COASTAL PETROLEUM CORP				RECEIVED: 04/13/83		JA: OH			
8331885		3410322062		107-TF		BETZ-CURTIS #1	SHARON	9.0	COLUMBIA GAS TRAN
8331886		3410323010		107-TF		STILES #1	SHARON	9.0	COLUMBIA GAS TRAN

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-COLLINS-MCGREGOR OPERATING COMPANY		RECEIVED: 04/13/83 JA: OH							
8331887B		3416727315	D	107-TF		SCHNENDEMAN #2	WARREN	5.5	RIVER GAS CO
8331887A		3416727315		103		SCHNENDEMAN #2	WARREN	5.5	RIVER GAS CO
-DAVID SHAFER OIL PRODUCERS INC		RECEIVED: 04/13/83 JA: OH							
8331895		3415321311		107-TF		FIRESTONE #5-F	BATH	7.5	EAST OHIO GAS CO
8331893		3415320948		107-TF		R C FIRESTONE #1-D	BATH	7.5	EAST OHIO GAS CO
8331890		3415320935		107-TF		R C FIRESTONE #2-C	BATH	10.0	EAST OHIO GAS CO
8331891		3415320940		107-TF		R C FIRESTONE #4-C	BATH	7.5	EAST OHIO GAS CO
8331894		3415320951		107-TF		R C FIRESTONE #4-D	BATH	7.5	EAST OHIO GAS CO
8331892		3415320941		107-TF		R C FIRESTONE #5-C	BATH	7.5	EAST OHIO GAS CO
-DELRAY DRILLING INC		RECEIVED: 04/13/83 JA: OH							
8331889		3408924570		103		BAILEY 1-B	FALLSBURG	0.0	COLUMBIA GAS TRAN
-EAGLE MOUNTAIN ENERGY CORP		RECEIVED: 04/13/83 JA: OH							
8331896		3411522970		103	107-TF	DONALD LAWRENCE #1	CENTER	20.0	
8331900		3411522974		103	107-TF	F & R SILVUS UNIT #2	CENTER	25.0	
8331899		3411522973		103	107-TF	JOHN WAGNER #1	CENTER	25.0	
8331898		3411522972		103	107-TF	MARY MILLER UNIT #1	CENTER	25.0	
8331901		3411523121		103	107-TF	SILVUS ESTATE #2	CENTER	25.0	
8331897		3411522971		103	107-TF	WILLIAM MOORE #1	CENTER	50.0	
-EDWARD E ATHA		RECEIVED: 04/13/83 JA: OH							
8331902		3400922585		107-TF		HERBERT PARSONS #1	CARTHAGE	2.0	
-EVERFLOW EASTERN INC		RECEIVED: 04/13/83 JA: OH							
8331904B		3415723803	D	107-TF		SIEGEL #1	WARREN	0.0	
8331904A		3415723503		103		SIEGEL #1	WARREN	0.0	
8331903B		3415123799	D	107-TF		SUTTON #1	OSNABURG	0.0	
8331903A		3415123799		103		SUTTON #1	OSNABURG	0.0	
-FREDERICK PETROLEUM CORP		RECEIVED: 04/13/83 JA: OH							
8331905		3416727378		107-TF		R MCATEE #5	AURELIUS	73.0	
-GASEARCH INC		RECEIVED: 04/13/83 JA: OH							
8331906		3415522061		103	107-TF	TABLA #1	MESOPOTAMIA	20.0	
-GNC ENERGY CORP		RECEIVED: 04/13/83 JA: OH							
8331907		3411522418		107-TF		HAROLD DON & LINDA DRAKE "A" #1	RINGGOLD	15.0	
8331909		3411522622		107-TF		KENNETH & ANITA BENJAMIN #1	PENN	15.0	COLUMBIA GAS TRAN
8331908		3411522481		107-TF		MYRON & MARY JANES "A" #1	PENN	15.0	COLUMBIA GAS TRAN
-HOPEWELL OIL AND GAS DEVELOPMENT CO		RECEIVED: 04/13/83 JA: OH							
8331910		3411522343		107-TF		BEULAH COMSTOCK #1	UNION	10.0	COLUMBIA GAS TRAN
-J D DRILLING CO		RECEIVED: 04/13/83 JA: OH							
8331913		3405328190		107-TF		MALCOLM & ROMA HARD #2	CHESHIRE	8.0	COLUMBIA GAS TRAN
-JAMES R SMAIL		RECEIVED: 04/13/83 JA: OH							
8331911		3416923360		107-TF		SAIF #1	CLINTON	35.0	COLUMBIA GAS TRAN
-JANCO WELL OPERATIONS LTD 82-3		RECEIVED: 04/13/83 JA: OH							
8331912		3415522278		107-TF		MARJORIE JONES	FARMINGTON	500.0	EAST OHIO GAS CO
-JONSU OIL CORP		RECEIVED: 04/13/83 JA: OH							
8331914		3403124555		103		HILEMAN #1	MONROE	5.0	NATIONAL GAS & OI
8331915		3403124983		103		MCGINNIS #2	MONROE	4.0	NATIONAL GAS & OI
8331916		3408924539		103		WILLIAMS #1	BOWLING GREEN	5.0	NATIONAL GAS & OI
-K S T OIL & GAS CO INC		RECEIVED: 04/13/83 JA: OH							
8331921		3415321116		103	107-TF	CLARK-BATH #1	BATH	36.0	YANKEE RESOURCES
8331923		3415321167		103	107-TF	ELIAS #2	NORTHAMPTON	35.0	YANKEE RESOURCES
8331924		3415321168		103	107-TF	ELIAS #3	NORTHAMPTON	38.0	YANKEE RESOURCES
8331925		3415321169		103	107-TF	ELIAS #4	NORTHAMPTON	40.0	YANKEE RESOURCES
8331926		3415321238		103	107-TF	ELLETT #1	HUDSON	40.0	YANKEE RESOURCES
8331919		3415321026		103	107-TF	GRIMM #1	RICHFIELD	40.0	YANKEE RESOURCES
8331920		3415321027		103	107-TF	GRIMM #2	RICHFIELD	30.0	YANKEE RESOURCES
8331927		3415321298		103	107-TF	HARVEY #1	BATH	40.0	YANKEE RESOURCES
8331922		3415321118		103	107-TF	LONG-PRICE #1	BATH	30.0	YANKEE RESOURCES
8331918		3409921236		103	107-TF	MARTIG #2	GOSHEN	30.0	YANKEE RESOURCES
-KAISER ENERGY INC		RECEIVED: 04/13/83 JA: OH							
8331917		3403120411		103		MARY BYWATERS KEM #204	SALINE	13.0	
-L & M PETROLEUM INC		RECEIVED: 04/13/83 JA: OH							
8331947		3412725752		107-TF		ROBERT FOULE #1	SALT LICK	10.0	
-LEADER EQUITIES INC		RECEIVED: 04/13/83 JA: OH							
8331928		3403124938		103	107-TF	NOWELL #2	WASHINGTON	12.0	
8331929		3411926580		103	107-TF	RUTH WRIGHT #1	JEFFERSON	14.0	
-LESLIE OIL & GAS CO INC		RECEIVED: 04/13/83 JA: OH							
8331940		3415723038		107-TF		BORDER DONEY UNIT #1	DOVER	20.0	YANKEE RESOURCES
8331938		3415723018		108		CLARK LONG UNIT #1		20.0	EAST OHIO GAS CO
8331943		3415723156		108		E SIMMERMAN #1		20.0	EAST OHIO GAS CO
8331944		3415723161		108		ENOS YODER #1		20.0	EAST OHIO GAS CO
8331939		3415723036		107-TF		EVERETT #1	GOSHEN	20.0	YANKEE RESOURCES
8331934		3415722820		108		FRED FREDERICKS #2		20.0	EAST OHIO GAS CO
8331942		3415723048		108		HERBERT SANDERS #1		20.0	EAST OHIO GAS CO
8331936		3415722823		108		JOHN LONG #1		20.0	EAST OHIO GAS CO
8331935		3415722822		108		JOHN MILLER #1		20.0	EAST OHIO GAS CO
8331931		3415722774		108		KAIL #1		20.0	EAST OHIO GAS CO
8331932		3415722775		108		KAIL #2		20.0	EAST OHIO GAS CO
8331945		3415723304		107-TF		L SMITH #2	GOSHEN	20.0	YANKEE RESOURCES
8331937		3415722829		108		MCPHERSON #1		20.0	EAST OHIO GAS CO
8331941		3415723042		108		S FIEFER #2 (HKA EMPIRE COAL SHUGA		20.0	EAST OHIO GAS CO
8331933		3415722765		108		WILSON-GLAZER-BOND UNIT #1		20.0	EAST OHIO GAS CO
8331933		3415722818		108		WILSON-GLAZER-BOND UNIT #3		20.0	EAST OHIO GAS CO
-LEVENGOOD OIL & GAS INC		RECEIVED: 04/13/83 JA: OH							
8331946		3403124851		103	107-TF	FRED WEEKLEY #2	CLARK	10.0	COLUMBIA GAS TRAN
-LOMK PETROLEUM INC		RECEIVED: 04/13/83 JA: OH							
8331948		3412122898		107-TF		V SMITH #1-HD	SHARON	24.0	YANKEE RESOURCES
-MITCHELL ENERGY CORPORATION		RECEIVED: 04/13/83 JA: OH							
8331949		3408720349		103	107-TF	GREEN GATE FARMS INC #1 349	SOUTH ARABIA	41.1	
-NEW FRONTIER EXPLORATION INC		RECEIVED: 04/13/83 JA: OH							
8331953		3415723816		103	107-TF	CARL JENKINS #1	UNION	20.0	YANKEE RESOURCES
8331952		3411926533		103	107-TF	GERALD LACY #6	CASS	14.0	COLUMBIA GAS TRAN
8331951		3406720584		103	107-TF	RONALD HUGHES #1	MONROE	18.0	TENNECO INC
-OXFORD OIL CO		RECEIVED: 04/13/83 JA: OH							
8331974		3411926494		103	107-TF	ELMER HEIMAN #1	CLAY	10.0	
-POI ENERGY INC		RECEIVED: 04/13/83 JA: OH							
8331955		3400722102		103	107-TF	FALZONE-MOTKO-PATTERSON #1	ROME	45.0	
8331954		3405503650		103	107-TF	YOCA #2	BAINBRIDGE	55.0	
-POINSTONE CORP		RECEIVED: 04/13/83 JA: OH							
8331957		3415723635		108		REGULA #1		1.0	
-PROFESSIONAL PETROLEUM INC		RECEIVED: 04/13/83 JA: OH							
8331954		3416727408		103		USA/TAYLOR #2	INDEPENDENCE	17.3	COLUMBIA GAS TRAN
-QUAKER STATE OIL REFINING CORP		RECEIVED: 04/13/83 JA: OH							
8331958B		3400922602	D	107-TF		SUNDAY CREEK COAL #65	TRIMBLE	11.0	COLUMBIA GAS TRAN
8331958A		3400922602		103		SUNDAY CREEK COAL #65	TRIMBLE	11.0	COLUMBIA GAS TRAN
-REDMAN OIL CO INC		RECEIVED: 04/13/83 JA: OH							

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331962		3411522988		103	107-TF	D K HOOK #2	BRISTOL	73.8	COLUMBIA GAS TRAN
8331961		3411522786		103	107-TF	HARLEY LITTLE #1	BRISTOL	7.3	COLUMBIA GAS TRAN
8331963		3411523073		103	107-TF	HOPE-RAY #1	BRISTOL	70.0	COLUMBIA GAS TRAN
8331960		3411522785		103	107-TF	SADIE LAURENCE #1	BRISTOL	18.3	COLUMBIA GAS TRAN
8331959		3411522784		103	107-TF	WILLIS GARRETT #2	BRISTOL	73.8	COLUMBIA GAS TRAN
-SHONGUM OIL & GAS INC				RECEIVED:	04/13/83	JA: OH			
8331967		3410323335		107-TF		RUTH UNIT #2	SHARON	12.0	YANKEE RESOURCES
8331965		3410323256		107-TF		MARIE HARTMAN #1	SHARON	12.0	YANKEE RESOURCES
8331966		3410323281		107-TF		N C CHURCH GREITHER PUCILOWSKI #1	WADSWORTH	12.0	YANKEE RESOURCES
8331964		3410323287		107-TF		TAYLOR & WILLIS #1	WADSWORTH	12.0	YANKEE RESOURCES
-STRATA CORP				RECEIVED:	04/13/83	JA: OH			
8331973		3412725784		107-TF		CAVINEE & FURNEY #1	PLEASANT	40.0	
8331968		3400922544		107-TF		DELAVAL #1	CANAAN	5.0	
8331971		3411926168		107-TF		FRANCE #1	SPRINGFIELD	30.0	
8331969		3400922053		107-TF		R WILLIAMS #2	LODI	10.0	
8331972		3412725710		107-TF		RODGERS #2	CLAYTON	25.0	
-STRATA PETROLEUM INC				RECEIVED:	04/13/83	JA: OH			
8331970		3411122857		107-DV		HURL ECKELBERRY #1	MECHANICSBURG	25.0	COLUMBIA GAS TRAN
-THE MUTUAL OIL & GAS COMPANY				RECEIVED:	04/13/83	JA: OH			
8331950		3409920894		108		MARTIG		8.0	VESCORP INDUSTRIE
-TOWNER PETROLEUM CO				RECEIVED:	04/13/83	JA: OH			
8331975		3405923352		103	107-TF	B BLACK/A LAW #1	OXFORD	27.0	TENNESSEE GAS PIP
-TRISTAR PETROLEUM RESOURCES				RECEIVED:	04/13/83	JA: OH			
8331976		3407920151		107-DV		JACK CRUISE #1	SCIOTO	1.8	
-VIKING RESOURCES CORP				RECEIVED:	04/13/83	JA: OH			
8331979		3408520387		103	107-TF	COLLINS #2	PERRY	30.0	
8331978		3408520336		103	107-TF	LAKE COUNTY NURSERY #5	PERRY	30.0	
8331980		3408520416		103	107-TF	LAKE COUNTY NURSERY #6	MADISON	30.0	
8331977		3408520360		103	107-TF	LOSELY #5	PERRY	30.0	
-WILLIAM F HILL				RECEIVED:	04/13/83	JA: OH			
8331981		3407523972		103		ORCHARD #2	MORRDE	7.0	
-WILLIAM M TIPKA				RECEIVED:	04/13/83	JA: OH			
8331982		3410322707		107-TF		J MCCLELLAND #1A	GRANGER	8.0	BARTLO OIL & GAS
8331983		3410323363		107-TF		MUSCOLINE-BLOSS #1	WADSWORTH	5.0	EAST OHIO GAS CO
-ZORAN OIL & GAS CO				RECEIVED:	04/13/83	JA: OH			
8331984		3400722214		103	107-TF	DAVIS-FERBER #4	DENMARK	18.0	
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ATLAS RESOURCES INC				RECEIVED:	04/11/83	JA: PA			
8331845	19465	3706327156		102-2		MOSLAK #1	GREEN	173.0	COLUMBIA GAS TRAN
-BELKNAP GAS CO				RECEIVED:	04/11/83	JA: PA			
8331808	17127	3700500000		108		J R ORR FARM	WAYNE	1.9	THE PEOPLES NATUR
-CENTER BAR GAS CO				RECEIVED:	04/11/83	JA: PA			
8331842	19377	3703921647		107-TF		JOHN HOOGSTAD #2 82-20	CONNEAUT	8.0	COLUMBIA GAS TRAN
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	04/11/83	JA: PA			
8331856	19571	3706327092		103		COLLY WHITE #1 WN-1944	NORTH MAHONING	53.0	GENERAL SYSTEM PU
8331855	19570	3706320059		108		HARRY L GEORGE #2 WN-551	ARMSTRONG	21.0	GENERAL SYSTEM PU
8331843	19406	3702120190		103		ROY D LEADER #1 WN-1953	SUSQUEHANNA	23.0	GENERAL SYSTEM PU
8331857	19572	3706327171		103		THOMAS KING #1 WN-1948	GRANT AND MONTGOMERY	2.0	GENEPAL SYSTEM PU
-DORAN & ASSOCIATES INC				RECEIVED:	04/11/83	JA: PA			
8331809	17244	3703320994		108		R SEYLER #2 KM-6	UPPER DEVONIAN SANDS	30.0	CONSOLIDATED GAS
-DORSO ENERGY				RECEIVED:	04/11/83	JA: PA			
8331844	19414	3706327131		103		JOHN J WEYANDT #3 #172	CRETE	25.0	JONES & LAUGHLIN
8331845	19415	3706327334		103		JOHN J WEYANDT #5 #181	CRETE	30.0	BETHLEHEM STEEL C
-EASTERN STATES EXPLORATION CO				RECEIVED:	04/11/83	JA: PA			
8331837	19338	3706522483		103		THOMAS J MINNS #1	WARSAW	10.0	NATIONAL FUEL GAS
-FAIRMAN DRILLING CO				RECEIVED:	04/11/83	JA: PA			
8331840	19335	3706300000		103		WALTER AND JOHN STOCK #2 F-3498	MARION CENTER	30.0	T W PHILLIPS GAS
-HIMES BOBBY A				RECEIVED:	04/11/83	JA: PA			
8331822	18889	3706500000		103		CARNAHAM #1	POLK	2.0	COLUMBIA GAS TRAN
8331823	18890	3706500000		103		CARNAHAM #2	POLK	1.0	COLUMBIA GAS TRAN
-INGRAM ENTERPRISES INC				RECEIVED:	04/11/83	JA: PA			
8331807	15850	3703921538		107-TF		LINZ #2	CROSSINGVILLE	36.0	COLUMBIA GAS TRAN
8331806	15849	3703921538		103		LINZ #2	CROSSINGVILLE	36.0	COLUMBIA GAS TRAN
-J & J ENTERPRISES INC				RECEIVED:	04/11/83	JA: PA			
8331854	19501	3706327195		103		KOVALCHICK SALVAGE CO #1 (5.8A)	INDIANA BORO	0.0	PEOPLES NATURAL G
-KEYSTONE ENERGY OIL & GAS PRODUCTIO				RECEIVED:	04/11/83	JA: PA			
8331853	19494	3706522645		103		COOK/STEWART #1	PERRY	48.3	T W PHILLIPS GAS
8331852	19493	3706522646		103		HOWARD COOK & MARJORIE STEWART #2	COOK-STEWART	98.6	T W PHILLIPS GAS
-MARK RESOURCES CORP				RECEIVED:	04/11/83	JA: PA			
8331826	19154	3708520489		107-TF		R BURKHARDT #1	HERMITAGE	40.0	
8331825	19153	3708520489		102-2		R BURKHARDT #1	HERMITAGE	0.0	
-MERIDIAN EXPLORATION CORP				RECEIVED:	04/11/83	JA: PA			
8331839	19330	3703921589		107-TF		MAX FERRIS #614-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8331838	19329	3703921589		102-2		MAX FERRIS #614-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8331830	19235	3703921921		107-TF		QUIRING UNIT #564-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8331829	19234	3703921921		102-2		QUIRING UNIT #564-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8331831	19236	3704921821		107-TF		SZYMANSKI #649-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8331828	19229	3704921821		102-2		SZYMANSKI #649-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
-MID-PENN ENERGY CORP				RECEIVED:	04/11/83	JA: PA			
8331851	19491	3703321547		103		RAYMOND J DUCK #2	GRAMPIAN	40.0	CONSOLIDATED GAS
-MITCHELL ENERGY CORPORATION				RECEIVED:	04/11/83	JA: PA			
8331804	15329	3703921346		103		J T SABOL #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
8331805	15330	3703921346		107-TF		J T SABOL #1	CONNEAUTVILLE (MEDINA	410.0	COLUMBIA GAS TRAN
-NATIONAL FUEL GAS SUPPLY CORP				RECEIVED:	04/11/83	JA: PA			
8331802	13100	3706522355		108		ARABELLE PHELPS FARM #2704	ELDRED TOWNSHIP	1.8	GENERAL SYSTEM PU
8331801	13095	3706522400		108		G H & M ALLEN FARM #2048	ELDRED TOWNSHIP	8.8	GENERAL SYSTEM PU
8331803	13492	3708300000		108		L D LEITHORE #383-P	LEITHORE TOWNSHIP	9.9	GENERAL SYSTEM PU
-NYS NATURAL GAS COMPANY				RECEIVED:	04/11/83	JA: PA			
8331834	19278	3703921574		103		HENTON #1 CRA-21574	ATHENS	3.0	COLUMBIA GAS TRAN
8331833	19277	3703921574		107-TF		HENTON #1 CRA-21574	ATHENS	3.0	COLUMBIA GAS TRAN
8331835	19279	3703921706		103		HENTON #2 CRA-21706	ATHENS	3.0	COLUMBIA GAS TRAN
8331832	19276	3703921706		107-TF		HENTON #2 CRA-21706	ATHENS	8.0	COLUMBIA GAS TRAN
-PETROBANK OPERATING CO				RECEIVED:	04/11/83	JA: PA			
8331846	19440	3706327321		103		CLARK ESTATES #23	MONTGOMERY	85.5	COLUMBIA GAS TRAN
-PHILLIPS PRODUCTION CO				RECEIVED:	04/11/83	JA: PA			
8331816	17357	3706325194		103		ANNA MARY HAMILTON AGENT #1	SOUTH MAHONING	12.0	COLUMBIA GAS TRAN
8331818	17389	3706325515		108		DANIEL J PERLONGO #1	EAST MAHONING	18.0	COLUMBIA GAS TRAN
8331815	17386	3706326319		108		DAVID CHICHURA #1	GRANT	5.0	COLUMBIA GAS TRAN
8331821	18269	3706325616		103		GEORGE I REAM #1	CENTER	14.0	COLUMBIA GAS TRAN
8331819	17390	3706324981		108		HELEN R PELES #2	RAYNE	12.0	COLUMBIA GAS TRAN
8331813	17384	3706326295		108		HORACE M STEELE #1	EAST MAHONING	7.0	COLUMBIA GAS TRAN
8331811	17369	3703321084		108		JOHN VINCENT FERGUSON #1	LUMBER CITY BORO	7.0	CONSOLIDATED GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8331828	17384	3706325853		108		PAUL S GETTY SR #1	GRANT	10.0	COLUMBIA GAS TRAN
8331817	17358	3706325547		108		RAYMOND GLASSER #1	EAST MAHONING	14.0	COLUMBIA GAS TRAN
8331812	17370	3703321085		108		RUTH E SPENCER #1	PENN	9.0	CONSOLIDATED GAS
8331814	17385	3706326169		103		THOMAS A PALKER #1	EAST MAHONING	6.0	COLUMBIA GAS TRAN
8331810	17368	3703321024		105		WILLIAM I HOCH #1	BELL	14.0	CONSOLIDATED GAS
-RENNIE-KELLY ENTERPRISES				RECEIVED:	04/11/83	JA: PA			
8331827	19152	3706327213	D	103		PAINTER-PEARCE #1 (6A)	CANOE	0.0	CONSOLIDATED GAS
-ROBERT H BRACE				RECEIVED:	04/11/83	JA: PA			
8331841	19337	3706926639		105		BRACE #1	WATERFORD	0.0	NATIONAL FUEL GAS
-S T JOINT VENTURE 82-C				RECEIVED:	04/11/83	JA: PA			
8331824	18955	3703321362		103		MC DONALD #2	PENN	25.0	CONSOLIDATED GAS
-SCOTT AND HUSSING				RECEIVED:	04/11/83	JA: PA			
8331849	19488	3712521273		108		JONES & LAUGHLIN STEEL CORP #1 #129	BELLE VERNON	4.0	COLUMBIA GAS OF P
8331850	19489	3712521151		103		JONES & LAUGHLIN STEEL CORP #5 #105	CALIFORNIA	8.0	COLUMBIA GAS OF P
-UNION DRILLING INC				RECEIVED:	04/11/83	JA: PA			
8331836	19285	3706326922		102-2		MURRAY CRAMER #2 8744	CHERRYHILL	0.0	COLUMBIA GAS TRAN
-VICTORY DEVELOPMENT CO				RECEIVED:	04/11/83	JA: PA			
8331847	19457	3706327335		103		LYDIC #1 - IND-27335	GREEN	36.0	CONSOLIDATED GAS

[FR Doc. 83-12419 Filed 5-9-83; 8:45 am]

BILLING CODE 6717-01-C

[Volume 887]

Issued: May 4, 1983.

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487-4808, 5285 Port Royal Rd, Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102-1: New OCS lease
102-2: New well (2.5 Mile rule)
102-3: New well (1000 Ft rule)
102-4: New onshore reservoir
102-5: New reservoir on old OCS lease
Section 107-DP: 15,000 feet or deeper
107-GB: Geopressured brine
107-CS: Coal Seams
107-DV: Devonian Shale
107-PE: Production enhancement
107-TF: New tight formation
107-RT: Recompletion tight formation
Section 108: Stripper well
108-SA: Seasonally affected
108-ER: Enhanced recovery
108-PB: Pressure buildup

Kenneth F. Plumb,

Secretary.

NOTICE OF DETERMINATIONS

Issued May 4, 1983

VOLUME 887

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MONTANA BOARD OF OIL & GAS CONSERVATION									
-BOLIN OIL COMPANY				RECEIVED:	04/14/83	JA: MT			
8332158	3-82-61	2504121673		108		BOLIN - FROST - STATE #1-28	TIGER RIDGE	0.0	NORTHERN NATURAL
-GETTY OIL COMPANY				RECEIVED:	04/14/83	JA: MT			
8332150	2-82-54	2508321525		102-4		SOUTH NOHLY #33-2	EAST FAIRVIEW FIELD	23.0	PHILLIPS PETROLEU
-MERLAND OIL & GAS INC				RECEIVED:	04/14/83	JA: MT			
8332152	3-82-72	2508521335		103		PICARD #14-2	NORTH BAINVILLE	9.0	DOME PETROLEUM CO
-MONTANA-DAKOTA UTILITIES CO				RECEIVED:	04/14/83	JA: MT			
8332154	2-82-58	2507121742		103		MDU 975 FEE	BOWDOIN	30.0	MONTANA-DAKOTA UT
-ORBIT VENTURES INC				RECEIVED:	04/14/83	JA: MT			
8332153	3-82-62	2509121421		102-2		MORKEN #3-27	DIVIDE	27.0	PHILLIPS PETROLEU
-PATRICK PETROLEUM CORP OF MICHIGAN				RECEIVED:	04/14/83	JA: MT			
8332156	3-82-67	2508521305		102-2		IVERSON #1-21	ANVIL	30.0	PHILLIPS PETROLEU
-SHELL OIL CO				RECEIVED:	04/14/83	JA: MT			
8332155	2-82-53	2502521194		103		UNIT 11X-6B	PENNEL	13.9	MONTANA DAKOTA UT
8332160	3-82-60	2502521197		103		UNIT 33-7B	PENNEL	20.4	MONTANA DAKOTA UT
-SOLOMON & MCGARVEY				RECEIVED:	04/14/83	JA: MT			
8332157	3-82-70	2504122081		102-4		SOLOMON 4-30 T31N R17E SEC 30	TIGER RIDGE-BULLHEAD	18.0	NORTHERN NATURAL
-SOLOMON EXPLORATION				RECEIVED:	04/14/83	JA: MT			
8332148	3-82-63	2500522114		108		FOX 29-13 T32N R18E SEC 29	WILDCAT	9.0	NORTHERN NATURAL
8332159	3-82-69	2504122194		102-4		OLSON 17-33 T31N R17E SEC 33	TIGER RIDGE	14.0	NORTHERN NATURAL
-SOUTHLAND ROYALTY CO				RECEIVED:	04/14/83	JA: MT			
8332151	3-82-71	2508321246		102-4		PREVOST #1-24	THREE BUTTES	3.5	MGPC INC
-WEST OAS INC				RECEIVED:	04/14/83	JA: MT			
8332149	2-82-55	2509521145		103		DANNENBERG 11-27	NORTH LAKE BASIN	3.6	MONTANA DAKOTA UT
8332146	2-82-57	2509521142		103		DANNENBERG 3-27	NORTH LAKE BASIN	346.8	MONTANA DAKOTA UT
8332147	2-82-56	2509521165		103		NORDAHL 9A-11	LAKE BASIN	3.6	MONTANA DAKOTA UT
OKLAHOMA CORPORATION COMMISSION									
-AUTUMN ENERGY CORP				RECEIVED:	04/13/83	JA: OK			
8332029	21068	3514322199		103		COUSINS #1	THE MOUNDS DISTRICT	30.0	PHILLIPS PETROLEU
-BOSWELL ENERGY CORP				RECEIVED:	04/13/83	JA: OK		0.0	PHILLIPS PETROLEU
8332014	19963	3510920374		102-4		CHISHOLM #1-9	E KREMLIN	20.0	ARKANSAS LOUISIAN
-CHAMPLIN PETROLEUM COMPANY				RECEIVED:	04/13/83	JA: OK			
8331991	20695	3504700000		108		F A SMITH UNIT #1	SOUTH STROUD PRUE	18.0	SWAB CORP
-CHEROKEE RESOURCE MANAGEMENT				RECEIVED:	04/13/83	JA: OK	SOUTH STROUD PRUE	19.0	SWAB CORP
8331996	21032	3508121823		103		EVANS #5	SOUTH STROUD PRUE	22.0	SWAB CORP
8331997	21033	3508121783		103		EVANS #7			
8331995	21031	3508121824		103		EVANS #8	SHARON	45.0	PHILLIPS PETROLEU
-DAWN ENERGY CO				RECEIVED:	04/13/83	JA: OK			
8332018	21004	3515321271		103		RAY #1-7	SOONER TREND	15.0	CONOCO INC
-FUNK EXPLORATION INC				RECEIVED:	04/13/83	JA: OK			
8332009	17684	3507323224		103		BRUEGGEN #2-29	SOUTHWEST MT VERNON	165.0	SUN EXPLORATION &
-GREEN OPERATING CO				RECEIVED:	04/13/83	JA: OK			
8332030	21068	3508121805		103		ELVINA 11-1			
-J M HUBER CORPORATION				RECEIVED:	04/13/83	JA: OK			

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8332020	21029	3504723074		103		LOVELL #6	N WAUKOMIS	350.0	UNION TEXAS PETRO
8331994	21030	3504723076		103		LOVELL #7	N WAUKOMIS	912.5	UNION TEXAS PETRO
-JOHN P CASTLEMAN JR				RECEIVED:	04/13/83	JA: OK			
8331985	19610	3502520524		102-4		CASTLEMAN-CUTRIGHT #1	NORTH EAST SAMPSEL	0.0	
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	04/13/83	JA: OK			
8332016	20610	3504700000		108		PAUL #1	E SPRING VALLEY	13.0	GRACE PETROLEUM C
-K-N NATURAL GAS CO INC				RECEIVED:	04/13/83	JA: OK			
8331998	21032	3513900000		108		GODLEY #1	GUYMON - HUGOTON	19.0	
-LEEDE OIL & GAS INC				RECEIVED:	04/13/83	JA: OK			
8332017	20849	3507920418		103		HICKS #1	CAMERON	182.0	ARKANSAS LOUISIAN
-M S KLOTZMAN EXPLORATION				RECEIVED:	04/13/83	JA: OK			
8331990	20208	3511121345		103		BURGESS #4	SCHULTER	10.0	SCHULTER CATHERIN
-MID-AMERICA PETROLEUM INC				RECEIVED:	04/13/83	JA: OK			
8331989	19928	3505320858		102-2		GILE #1	NORTHEAST WAKITA	360.0	
8331988	19926	3505320857		102-2		JESS #1	NORTHEAST WAKITA	266.0	
-MOBIL OIL CORP				RECEIVED:	04/13/83	JA: OK			
8332024	21059	3504900000		108		F H HARRIS #1	ROBBERSON	4.3	OKLAHOMA NATURAL
8332025	21060	3504900000		108		F H HARRIS #3	ROBBERSON	6.5	OKLAHOMA NATURAL
8332026	21061	3504900000		108		F H HARRIS #5	ROBBERSON	4.3	OKLAHOMA NATURAL
8332027	21062	3504900000		108		F H HARRIS #8A	ROBBERSON	4.3	OKLAHOMA NATURAL
8332004	21053	3501900000		108		GR DEESE #23-16 JOHNSON SWARTZ #16	SHO VEL TUM	0.1	LONE STAR GAS CO
8332028	21063	3501900000		108		GR DEESE #34-8 F E TUCKER #8	SHO VEL TUM	0.1	LONE STAR GAS CO
8332005	21054	3501900000		108		NEUSTADT DE #1-9 GEORGE FISH #9	SHO VEL TUM	0.0	LONE STAR GAS UNI
8332021	21056	3501900000		108		NEU DEESE #11-1 C D SMITH #1	SHO VEL TUM	0.0	LONE STAR GAS CO
8332022	21057	3501900000		108		NEU DEESE #16-1 K G CALVERY #1	SHO VEL TUM	0.0	LONE STAR GAS CO
8332006	21055	3501900000		108		NEU DEESE #7-1 EMMA CREEKMORE #1	SHO VEL TUM	0.0	LONE STAR GAS UNI
8332023	21058	3501900000		108		SW VEL SPRINGER #13-6 ANNIE BRON #6	SHO VEL TUM	3.7	GETTY OIL CO
-NOBLE OPERATING INC				RECEIVED:	04/13/83	JA: OK			
8331993	20948	3504722754		103		RANDOLPH #1	SOONER TREND	0.0	PHILLIPS PETROLEU
-OXXO INC				RECEIVED:	04/13/83	JA: OK			
8332015	19964	3513300000		102-3	103	REYNOLDS #4	WEWOKA	18.3	ARKANSAS LOUISIAN
-PETRO-LEWIS CORPORATION				RECEIVED:	04/13/83	JA: OK			
8332008	00689	3507321289		108-ER		RILEY #9-1	SOONER TREND	0.0	PARTNERSHIP PROPE
-R & E OIL & GAS CORP				RECEIVED:	04/13/83	JA: OK			
8332012	19952	3514722354		102-2		BEESON #1	NEW FIELD	0.0	MARION CORP
8332013	19953	3514722359		102-2		BEESON #3	NEW FIELD	0.0	MARION CORP
8332011	19951	3514723385		102-2		LEDFORD #2	NEW FIELD	0.0	MARION CORP
-RAINBOW OIL & GAS EXPLORATION				RECEIVED:	04/13/83	JA: OK			
8332031	23416	3511700000		108		GEYER SCHOOL LAND B #3		0.0	MID-AMERICA GAS L
-SENECA OIL COMPANY				RECEIVED:	04/13/83	JA: OK			
8332010	18075	3512174638		103		ECHELLE #1-9		1050.0	DELHI GAS PIPELIN
-SHELL OIL CO				RECEIVED:	04/13/83	JA: OK			
8332007	23936	3501521476		107-DP		KIDWELL #1-36		912.5	TENNESSEE GAS PIP
-SIMCOE OIL CO				RECEIVED:	04/13/83	JA: OK			
8332019	21008	3507300000		103		CIMARRON #1	SOONER TREND	100.0	EASON OIL CO
-SKI ENERGY				RECEIVED:	04/13/83	JA: OK			
8331999	21043	3514520949		103		GAZALSKI #114		18.3	PHILLIPS PETROLEU
8332002	21046	3514322246		103		SKI #19		9.1	PHILLIPS PETROLEU
8332000	21044	3514322178		103		SKI 29		9.1	PHILLIPS PETROLEU
8332001	21045	3514520943		103		WOODARD #113		27.4	PHILLIPS PETROLEU
-SOUTHERN UNION EXPLORATION COMPANY				RECEIVED:	04/13/83	JA: OK			
8331992	21040	3508322119		103		VAN DORN #1	EAST GUTHRIE	292.0	CHAMPLIN PETROLEU
-TENNECO OIL COMPANY				RECEIVED:	04/13/83	JA: OK			
8332003	21051	3510321707		103		S LONE ELM CLEVELAND S U #90	SOUTH LONE ELM	22.0	AMINOIL U S A INC
-WESTERN PACIFIC PETROLEUM INC.				RECEIVED:	04/13/83	JA: OK			
8331987	19902	3507122476		102-4	103	BULL #1-16	SOUTHEAST BRAMEN	277.4	JOE L THOMPSON IN
-WHEATLAND OIL CO				RECEIVED:	04/13/83	JA: OK			
8331986	19680	3504521094		102-4		BERRYMAN #A-2	EAST PACKSADDLE	36.5	PANHANDLE EASTERN
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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES									
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-ADOBE OIL & GAS CORPORATION				RECEIVED:	04/14/83	JA: PA			
8332121	19562	3706327370		103		COUNTY OF INDIANA/BL SPRUCE PK #1	ERNEST	25.0	PEOPLES NATURAL G
8332122	19563	3706327393		103		HAROLD PEDDICORD #1	WHITE	24.0	COLUMBIA GAS TRAN
8332123	19564	3702120196		103		RONALD BAKER #1	HASTINGS	25.0	PEOPLES NATURAL G
-ANGERMAN ASSOCIATES INC				RECEIVED:	04/14/83	JA: PA			
8332124	19565	3712900000		103		MICHAEL PFAFF #2 - WES-22114	W PENNA-UPPER DEVONIA	25.0	PEOPLES NATURAL G
8332125	19566	3706300000		103		T EARL STRONG #1 - IND-27306	W PENNA-UPPER DEVONIA	25.0	T W PHILLIPS GAS
-ATLAS RESOURCES INC				RECEIVED:	04/14/83	JA: PA			
8332108	19356	3706327148		102-4		STUTZMAN #1	CHERRYHILL	66.0	COLUMBIA GAS TRAN
-CABOT OIL & GAS CORP				RECEIVED:	04/14/83	JA: PA			
8332120	19560	3712133815		102-3		RAINBOW BEAGLE CLUB #1	JACKSON TOWNSHIP	50.0	TENNESSEE GAS PIP
8332119	19559	3712133815		107-TF		RAINBOW BEAGLE CLUB #1	JACKSON TOWNSHIP	50.0	TENNESSEE GAS PIP
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	04/14/83	JA: PA			
8332134	19585	3704720359		108		CONSOLIDATED GAS SUPPLY CORP WN-133	FOX	3.0	GENERAL SYSTEM PU
8332136	19588	3703321452		103		W HARTFIELD #1 WN-1966	PIKE	43.0	GENERAL SYSTEM PU
8332137	19589	3702120197		103		WILLIAM D WILSON #1 WN-1989	SUSQUEHANNA	55.0	GENERAL SYSTEM PU
8332135	19587	3703321455		103		WILLIAM HARTFIELD #2 WN-1965	PIKE	34.0	GENERAL SYSTEM PU
-EASTERN STATES EXPLORATION CO				RECEIVED:	04/14/83	JA: PA			
8332091	17909	3702720017		102-2		COMMONWEALTH OF PA - TR #231 #1	BOGGS	60.0	TEXAS EASTERN TRA
-ENERGY PRODUCTION CO				RECEIVED:	04/14/83	JA: PA			
8332108	19456	3706327249		103		WALTER A SCHROTH #2	NOLO MOUNTAIN	9.6	T W PHILLIPS
-ENVIROGAS INC				RECEIVED:	04/14/83	JA: PA			
8332090	17550	3704922023		107-TF		G COUNASSE #1	CLYMER	18.0	TENNESSEE GAS PIP
8332088	17353	3704921806		107-TF		G POST #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8332076	15175	3704921850		107-TF		L SKARZENSKI #1	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
8332087	17352	3704921895		107-TF		L SKARZENSKI #2	NORTH EAST DEEP	18.0	NATIONAL FUEL GAS
-FAIRMAN DRILLING CO				RECEIVED:	04/14/83	JA: PA			
8332143	19603	3706522715		103		CHARLES W FRAMPTON #4 F-3719	BIG RUN	60.0	CONSOLIDATED GAS
8332142	19602	3706522703		103		MILES A BOLVIN #3-A F-3674	BIG RUN	60.0	CONSOLIDATED GAS
8332141	19601	3703321454		103		O M READ #3 F-3624	BIG RUN	40.0	CONSOLIDATED GAS
-FLANIGAN BROTHERS				RECEIVED:	04/14/83	JA: PA			
8332075	11479	3703900000		102-4		HLOPICK #1	SPRING	5.0	COLUMBIA GAS TRAN
-FOX OIL & GAS INC				RECEIVED:	04/14/83	JA: PA			
8332133	19577	3706321416		102-4		BERNARD/FRY #1 276	BURNSIDE TOWNSHIP	25.0	COLUMBIA GAS TRAN
8332129	19573	3706321380		102-4		CLYDE BUTERBAUGH #1 275	BURNSIDE TOWNSHIP	25.0	COLUMBIA GAS TRAN
8332130	19574	3706321272		102-4		D BUTERBAUGH #1 (255)	BURNSIDE TOWNSHIP	25.0	COLUMBIA GAS TRAN
8332132	19576	3706321237		102-4		EARL BUTERBAUGH #1 243	BURNSIDE TOWNSHIP	25.0	COLUMBIA GAS TRAN
8332131	19575	3706321203		102-4		R BUTERBAUGH #1 245	BURNSIDE TOWNSHIP	25.0	COLUMBIA GAS TRAN
-GERSZBERG SHEPHERD				RECEIVED:	04/14/83	JA: PA			
8332093	18876	3703121033		103		DONALD KNAPP #1	CLARION	0.0	NATIONAL FUEL GAS
-INGRAM ENTERPRISES INC				RECEIVED:	04/14/83	JA: PA			
8332086	15872	3703900000		107-TF		PLEMENTOSH #1	COONS CORNERS-CONNEAU	40.0	NATIONAL FUEL GAS
8332085	15871	3703900000		103	107-TF	PLEMENTOSH #1	COONS CORNERS-CONNEAU	40.0	NATIONAL FUEL GAS

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
8332084	15870	3703921523		103		ZINCHIAK #1	COONS CORNERS CONNEAU	36.0	NATIONAL FUEL GAS
8332083	15869	3703900000		107-TF		ZINCHIAK #1	COONS CORNERS CONNEAU	36.0	NATIONAL FUEL GAS
-JAMES F SCOTT				RECEIVED:	04/14/83	JA: PA			
8332077	15561	3706522361		108		JOHN HERSHBERGER PS-378	HENDERSON	7.0	CONSOLIDATED GAS
8332078	15562	3706522386		108		JOSEPH TORRELL PS-374	WINSLOW	29.0	CONSOLIDATED GAS
8332079	15563	3706326368		108		WILLIAM STATES PS-356	BANKS	15.0	CONSOLIDATED GAS
-KEPCO INC				RECEIVED:	04/14/83	JA: PA			
8332082	15651	3705921593		108		C J HARTLEY #1 (PK-6)	GARARDS FORT	8.0	NEW JERSEY NATURA
8332081	15650	3705921571		108		E V BUNNER #2 (PK-2)	GARARDS FORT	14.0	NEW JERSEY NATURA
8332080	15649	3705921572		108		E V BUNNER #4 (PK-4)	GARARDS FORT	14.0	NEW JERSEY NATURA
-MAC-MAR INC				RECEIVED:	04/14/83	JA: PA			
8332107	19438	3706326972		103		URICK #1	BLAIRSVILLE	50.0	PEOPLES NATURAL G
-MEDINA OIL & GAS CO				RECEIVED:	04/14/83	JA: PA			
8332092	17966	3703121007		103		MEDINA-OIL & GAS CO #2	FISHER	0.0	NATIONAL FUEL GAS
-MERIDIAN EXPLORATION CORP				RECEIVED:	04/14/83	JA: PA			
8332112	19531	3703921415		107-TF		E MORTON #599-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332111	19530	3703921415		102-2		E MORTON #599-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332128	19569	3703921816		103		FINCK #642-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332099	19328	3703921578		102-2		G BROWN #617-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332116	19535	3703921819		107-TF		H ADAMS UNIT #650-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332115	19534	3703921819		102-2		H ADAMS UNIT #650-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332127	19568	3703921815		103		H FINCK #643-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332110	19529	3703921717		107-TF		J WILKINS #623-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332109	19528	3703921717		102-2		J WILKINS #623-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332118	19537	3703921820		102-2		JOSLIN #651-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332117	19536	3703921820		107-TF		JOSLIN #651-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332114	19533	3703921580		107-TF		LEE STERLING #615-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
8332113	19532	3703921580		102-2		LEE STERLING #615-1	ROCKDALE	30.0	COLUMBIA GAS TRAN
-NRM PETROLEUM CORPORATION				RECEIVED:	04/14/83	JA: PA			
8332106	19367	3704922073		102-2		NIEMEYER #3	WATERFORD	0.0	COLUMBIA GAS TRAN
8332105	19366	3704922073		107-TF		NIEMEYER #3	WATERFORD	0.0	COLUMBIA GAS TRAN
8332104	19361	3704922137		107-TF		WILLEY #2	WATERFORD	0.0	COLUMBIA GAS TRAN
8332103	19360	3704922137		102-2		WILLEY #2	WATERFORD	0.0	COLUMBIA GAS TRAN
8332102	19359	3704922170		107-TF		ZIELINSKI #1	WATERFORD	0.0	COLUMBIA GAS TRAN
8332101	19358	3704922170		102-2		ZIELINSKI #1	WATERFORD	0.0	COLUMBIA GAS TRAN
-PETRO EVALUATION SERVICES INC				RECEIVED:	04/14/83	JA: PA			
8332098	19146	3704922454		107-TF		SEMPLE #2	FRANKLIN CENTER	35.0	COLUMBIA GAS TRAN
8332097	19145	3704922103		107-TF		SZYMANOWICZ #2	FRANKLIN CENTER	35.0	COLUMBIA GAS TRAN
8332096	19143	3704922452		107-TF		TIPTON #1	FRANKLIN CENTER	30.0	COLUMBIA GAS TRAN
-PETROTECH INC				RECEIVED:	04/14/83	JA: PA			
8332126	19567	3705324507		103		TPT-18	KOPPERS SURF	0.0	NATIONAL FUEL GAS
-PHILLIPS PRODUCTION CO				RECEIVED:	04/14/83	JA: PA			
8332089	17377	3706325633	D	108		GEORGE I REAM #1	CENTER	14.0	COLUMBIA GAS TRAN
-ROBERT BRACE				RECEIVED:	04/14/83	JA: PA			
8332095	18892	3704922411		107-TF		CZESHOWSKI #1	WATERFORD	20.0	NATIONAL FUEL GAS
8332094	18891	3704922438		107-TF		MCCALL #4	WATERFORD	0.0	NATIONAL FUEL GAS
-SCOTT AND HUSSING				RECEIVED:	04/14/83	JA: PA			
8332138	19591	3712521159		108		JONES & LAUGHLIN STEEL #4 WELL #104	BELLE VERNON	5.0	BETHLEHEM STEEL C
8332140	19599	3706324830		108		ROY A ORR #2 WELL #126	PLUM CREEK	7.0	BETHLEHEM STEEL C
8332139	19598	3706325557		108		ROY A ORR #3 WELL #144	PLUM CREEK	3.0	BETHLEHEM STEEL C
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WEST VIRGINIA DEPARTMENT OF MINES									
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-ASHLAND EXPLORATION INC				RECEIVED:	04/14/83	JA: WV			
8332064		4701900468		103		CHRISTIAN COLLIERY CO #3 - 093041	PAINT CREEK	16.0	COLUMBIA GAS TRAN
8332065		4701900477		103		EASTERN ASSOC COAL CORP -093681	PAINT CREEK	324.6	COLUMBIA GAS TRAN
8332051		4703902061		108		EASTERN GAS & FUEL #48 - 042390	PAINT CREEK	20.0	COLUMBIA GAS TRAN
8332066		4704501049		108		PARDEE LAND CO #58 - 088751	LOGAN-WYOMING	19.0	CONSOLIDATED GAS
-BEREA OIL AND GAS CORPORATION				RECEIVED:	04/14/83	JA: WV			
8332070		4710721049		103		CORBIN #2	UNION	1.6	CONSOLIDATED GAS
8332069		4710721094		103		DAVIS #2	UNION	4.0	CONSOLIDATED GAS
8332072		4710720996		103		DAWSON #2	UNION	0.9	CONSOLIDATED GAS
8332063		4700121779		103		L TENNEY #1	VALLEY DISTRICT	19.7	CONSOLIDATED GAS
8332071		4710721019		103		TANNER #2	UNION	6.0	CONSOLIDATED GAS
8332074		4710720982		103		WRIGHT #1	UNION	2.0	CONSOLIDATED GAS
-CHASE PETROLEUM				RECEIVED:	04/14/83	JA: WV			
8332038		4708505898		102-3		LAYFIELD #2	GRANT DISTRICT	5.0	
8332053		4708505599		102-3		LOGAN #1	UNION DISTRICT	15.0	
8332041		4708505208		102-3		MARTIN-MAXON #1	UNION DISTRICT	15.0	
8332042		4708505210		102-3		MARTIN-MAXON #2	UNION DISTRICT	15.0	
8332052		4708505600		102-3		MCKINLEY #1	UNION DISTRICT	12.0	
8332039		4708505605		102-3		MCKINLEY #2	UNION DISTRICT	18.0	
8332037		4701703083		102-3		OKEY LEGGETT #1	SOUTHWEST DISTRICT	15.0	
8332043		4708505083		102-3		PIFER #1	GRANT DISTRICT	8.0	
8332055		4708505444		102-3		PRUNTY HEIRS #1	UNION DISTRICT	12.0	
8332054		4708505446		102-3		PRUNTY HEIRS #3	UNION DISTRICT	15.0	
8332036		4708505442		102-3		PRUNTY HEIRS #4	UNION DISTRICT	14.0	
8332044		4708505499		102-3		ROYAL COX #2	UNION DISTRICT	20.0	COLUMBIA GAS TRAN
8332040		4708505524		102-3		ROYAL COX #3	UNION DISTRICT	7.0	COLUMBIA GAS TRAN
-COMMODORE DRILLING FUND LTD				RECEIVED:	04/14/83	JA: WV			
8332062		4702103413		108		CLARK "A" #1	ASPINALL-FINSTER	14.0	CONSOLIDATED GAS
8332035		4702103414		103		CLARK "A" #2	ASPINALL-FINSTER	14.0	CONSOLIDATED GAS
-DORAN & ASSOCIATES INC				RECEIVED:	04/14/83	JA: WV			
8332058		4703302208		108		J E BRENNAN #1 KL-260	CLAY DISTRICT	25.0	CONSOLIDATED GAS
8332067		4703302644		103		LYDA RICHARD #1 DA-4	CLAY DISTRICT	25.0	CONSOLIDATED GAS
8332059		4703302213		108		MARIE HARBERT #1 KL-271	SARDIS-DISTRICT	25.0	CONSOLIDATED GAS
8332057		4703302193		108		MARIE HARBERT #1 KL-274	SARDIS-DISTRICT	25.0	CONSOLIDATED GAS
8332068		4703302585		103		ROSS VINCENT #1 DA-1	CLAY DISTRICT	25.0	CONSOLIDATED GAS
8332073		4700101198		108		THELMA BENNETT #1 KL-278	PLEASANT DISTRICT	25.0	CONSOLIDATED GAS
8332056		4703301983		108		V M ROGERS #1 KT-3	EAGLE DISTRICT	25.0	CONSOLIDATED GAS
-F S WORKMAN				RECEIVED:	04/11/83	JA: WV			
8332145		4708500434		108		BOONE 434	WASHINGTON	1.7	PENNZOIL CO
-HARDEE PETROLEUM CO				RECEIVED:	04/11/83	JA: WV			
8332144		4701502118		103		ELK RIVER LUMBER CO #10	PLEASANT DIST	73.0	CONSOLIDATED GAS
-STONEWALL GAS CO				RECEIVED:	04/14/83	JA: WV			
8332034		4703302227		108		CHILDERS #1	UNION	0.0	CONSOLIDATED GAS
8332033		4703301951		108		CORA J HOWELL #1	UNION	2.7	CONSOLIDATED GAS
8332032		4700101088		108		D C STUART #2	PHILIPPI	7.5	CONSOLIDATED GAS
-WEINER ENTERPRISES				RECEIVED:	04/14/83	JA: WV			
8332050		4708700976		108		BLAKE #2	BIG BULL RUN	5.0	EQUITABLE GAS CO
8332047		4708701012		108		D J MOYERS #1	BULL RUN	12.0	EQUITABLE GAS CO
8332060		4708700881		108		HINES #2	BULL CREEK	4.0	EQUITABLE GAS CO
8332049		4708700975		108		HINES #3	BULL RUN	2.0	EQUITABLE GAS CO
8332061		4708700928		108		KELLEY #1	WALKER FORK	10.0	EQUITABLE GAS CO
8332048		4708701130		108		TURNER #1	LITTLE KANAWHA RIVER	2.0	EQUITABLE GAS CO
8332045		4708701001		108		WEST #1	BRUSH RUN	7.0	EQUITABLE GAS CO
8332046		4708701003		108		WEST #2	BRUSH RUN	2.0	EQUITABLE GAS CO
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** DEPARTMENT OF THE INTERIOR, MINERALS MANAGEMENT SERVICE, WASHINGTON, DC									
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-SHELL OIL CO				RECEIVED:	04/14/83	JA: LA 7			
8332162	LA-010-82	1701501648		108		U S A #6	SLIGO	18.0	TEXAS EASTERN TRA
8332161	LA-011-82	1701501470		108		U S A #9	SLIGO	12.0	TEXAS EASTERN TRA
8332163	LA-009-82	1701501015		108		U S A "B" #2	SLIGO	12.0	TEXAS EASTERN TRA

[FR Doc. 83-12430 Filed 5-9-83; 8:45 am]

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federal register

Tuesday
May 10, 1983

Part IV

Environmental Protection Agency

Hazardous Waste Management System: The Hazardous Waste Permit Program; Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 124 and 270

[SWH-FRL 2251-6]

Hazardous Waste Management System: The Hazardous Waste Permit Program; Procedures for Decisionmaking

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comments.

SUMMARY: The Environmental Protection Agency is proposing to amend its hazardous waste permit regulations today. These regulations were promulgated pursuant to Subtitle C of the Resource Conservation and Recovery Act (RCRA), and were included in the Consolidated Permit Regulations. The Agency is proposing to allow owners and operators of existing hazardous waste management facilities who submit an incomplete Part A of the RCRA permit application to receive a notice of the deficiency and an opportunity to explain or cure the deficiency before the owner or operator is subject to EPA enforcement for operation without a permit. The Agency also is proposing to amend the regulations to require that if the Administrator denies a request for a panel hearing on an initial permit for an existing hazardous waste management facility, he must give his reasons for the denial.

Today's actions are prompted by a settlement stipulation concerning these issues in the lawsuit on the Consolidated Permit Regulations. These proposed amendments will not have an economic impact on the regulated community, nor will they have any impact on public health or the environment.

DATE: EPA will accept comments on these proposed amendments until July 11, 1983.

ADDRESS: Comments on these amendments should be addressed to the Docket Clerk (Docket 3005—Hearings), Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346 or in Washington, D.C. at 382-3000. For specific information on this proposed amendment, contact Deborah Wolpe, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202) 382-4754.

SUPPLEMENTARY INFORMATION:

I. Background

On February 26, 1980, and May 19, 1980, EPA promulgated regulations implementing Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6901 *et seq.* These regulations establish the first phase of a comprehensive program for the handling and management of hazardous waste (40 CFR Parts 260-265, 45 FR 33066-33289). In addition, on May 19, 1980, EPA promulgated the Consolidated Permit Regulations, governing five permit programs.[1] On January , 1983, the Consolidated Permit Regulations were deconsolidated. Each permit program now appears in a separate Part of the Code of Federal Regulations. The changes proposed today concern only the RCRA portion of the Consolidated Permit Regulations, now codified at 40 CFR Part 270.

The Subtitle C RCRA regulations, among other things, require hazardous waste management (HWM) facilities which treat, store, or dispose of hazardous waste to obtain a permit from EPA or an authorized state [2] and require that hazardous wastes be designated for, delivered to, and treated, stored, or disposed of only in these permitted facilities.

Recognizing the EPA would not be able to issue permits to all HWM facilities before the Subtitle C program became effective, Section 3005(e) of RCRA provides that a facility that meets certain requirements will be treated as having been issued a permit until such time as final administrative action is taken on its permit application. This statutory authorization to operate a HWM facility between the effective date of the Subtitle C program (November 19, 1980) and the issuance or denial of a final permit, is known as "interim status."

Interim status is conferred on any person who:

(1) Owns and operates a facility required to have a permit, which is in existence on November 19, 1980;

(2) has complied with the requirements of Section 3010(a) of RCRA (notification of hazardous waste activity); and

(3) has made an application for a permit under Section 3005 of RCRA.

EPA has defined the term "application for a permit" under section 3005(e) to mean only Part A of the permit application [See 40 CFR 270.70]. The application for a RCRA hazardous waste management permit is in two parts—A and B. Part A includes some very basic information about a facility such as its location, owner, the wastes it handles and the processes it employs [see 40 CFR 270.13]. Part B consists of more technical information reflecting the facility standards in 40 CFR Part 264. To qualify for interm status, however, only Part A of the permit application must be submitted.

This preamble and today's proposed amendments relate to the procedural aspects of failure to qualify for interim status, and denial of a permit.

II. Failure to Qualify for Interim Status

An owner or operator of a HWM facility may fail to qualify for interim status for any of the reasons listed in the statute as prerequisites to interim status: (a) The facility was not in existence on or before November 19, 1980; (b) the owner or operator failed to comply with Section 3010 of RCRA (*i.e.*, failed to notify, if required); or (c) the owner or operator failed to submit Part A of his permit application on time.[3] In addition, an owner or operator may fail to qualify for interim status if he fails to submit a complete Part A permit application. Section 270.70 of the regulations currently states that if, upon examination or reexamination of a Part A application, EPA determines that it fails to meet the standards of the regulations, EPA may notify the owner or operator that the application is deficient. Section 270.70 provides that the result of such a determination is that the owner or operator is not entitled to

[1] The five permit programs which were covered by the Consolidated Permit Regulation are: the hazardous waste management (HWM) program under Subtitle C of RCRA, the Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act, the National Pollutant Discharge Elimination System (NPDES) program under section 402 of the Clean Water Act, the "Dredge and Fill" program under section 404 of the Clean Water Act, and the Prevention of Significant Deterioration (PSD) program under regulations implementing section 165 of the Clean Air Act [45 FR 33290-33568 (May 19, 1980), previously codified at 40 CFR Parts 122-124].

[2] Pursuant to Section 3006 of RCRA, a state may obtain authorization to run the hazardous waste program in lieu of the Federal program. For a discussion of state authorization of the RCRA program, see the preamble to 40 CFR Part 123 (now Part 271) in the May 19, 1980 **Federal Register**, 45 FR 33386, and the preamble discussion accompanying the January 26, 1981 amendments to those regulations, 46 FR 8296; and subsequent amendments on July 26, 1982, 47 FR 32373.

[3] Failure to file a Part A on time may not always result in a failure to qualify for interim status. The Agency may, by compliance order issued under Section 3008 of RCRA, extend the date by which the owner or operator of an existing HWM facility may submit Part A of its permit application, as there is no statutory deadline for submitting the permit application. [See 40 CFR 270.10(e)(3)].

interim status, and is subject to EPA enforcement for operating without a permit.

Petitioners in the litigation on the Consolidated Permit Regulations, *NRDC v. EPA*, No. 80-1607, and consolidated cases (D.C. Cir., filed June 2, 1980),[4] argued that a determination that an owner or operator never acquired interim status cannot be made without some procedural safeguards. They argued that notice and opportunity for comment are necessary before the Agency can require a facility to cease operations because it failed to qualify for interim status.

The Agency believes that, as a practical matter, there are procedural safeguards already in place. It is standard operating procedure to allow a facility to correct, explain, or resubmit Part A of the permit application if it is found deficient, although such a procedure is not included in the regulations. To assuage petitioners' concerns, however, the Agency is today proposing to amend § 270.70 to expressly provide that before EPA determines that Part A of a permit application is deficient, it will notify the owner or operator in writing of the apparent deficiency. The notice will specify the grounds for EPA's belief that the application is deficient, and will give the owner or operator 30 days from the date of receipt to respond to the notification and to explain or cure the deficiency. If, after such notice and opportunity for response, EPA still finds that the application is deficient, it then can take appropriate enforcement action.

Some petitioners asserted that, in addition to notice and opportunity for comment on EPA's decision that a Part A application is deficient, the permit applicant should be granted a hearing on request. In EPA's view, a hearing is unnecessary. The statute does not require a hearing and issues in controversy should be simple and straight-forward enough to be resolved without resort to a hearing.

This proposal would put in regulatory form what is already standard Agency procedure. EPA believes that it is reasonable to give permit applicants an opportunity to cure deficient applications. Today's proposal would guarantee applicants that opportunity.

III. Opportunity for a Hearing Prior to Denial of an Initial Permit

As stated earlier, Section 3005(e) of RCRA states that any person who owns or operates an existing facility meeting the criteria listed in that section, shall be treated as having been issued a RCRA permit until such time as final administrative disposition of the permit application is made. Final administrative disposition occurs when EPA either issues or denies the permit.

The petitioners in the NRDC lawsuit raised several issues concerning the issuance or denial of an initial RCRA permit. They argued that due process requires the opportunity for a hearing before a permit is denied for a facility operating under interim status. In addition, they argued that the imposition of extensive, expensive, conditions in a permit might be tantamount to a denial of a permit, therefore a hearing should be available in such situations as well. The petitioners admitted that a full evidentiary hearing would not be necessary in every case, but some type of hearing ought to be available.[5]

EPA's position with respect to formal adjudicatory hearings was stated in the preamble to the May 19, 1980 regulations. It is EPA's position that such hearings are not required for the issuance of RCRA permits. The Agency stated that the requirements of due process are flexible, and that other procedures may be used which can be adapted to the nature of the problem being addressed (See 45 FR 33409-33411).

EPA believes that the current regulations meet the applicable due process tests. The regulations provide for notice of what the Agency proposes to do, an opportunity to challenge that proposal both through written comments and an informal public hearing, and a response to comments and a decision based on the administrative record.

Petitioners believed that the May 19, 1980 regulations only gave a right to this public hearing in situation were EPA proposed to issue a permit, and not when the Agency proposed to deny a permit. As promulgated on May 19, 1980, section 124.12(a) stated that the Director shall hold a public hearing whenever there is a " * * * significant degree of public interest in a draft permit." EPA's intention when promulgating this regulation was to provide a public hearing in situations where EPA issues either a tentative decision to issue or to deny a permit. In fact, a notice of intent to deny a permit is considered a draft permit.[6] This was clarified in amendments promulgated on July 15, 1981 (46 FR 36704) in response to an amendment to Section 7006(b) of RCRA.

As stated in the preamble to those amendments, the Agency intends that the requirement to hold an informal hearing (when one is requested) apply to cases where the Agency has tentatively decided to deny a permit as well as when the Agency has tentatively decided to issue a permit. All that RCRA and due process require is the opportunity for an informal hearing. That opportunity exists both for the issuance and denial of a RCRA permit.

The petitioners also were concerned that in some instances, there would be complicated factual issues that could be addressed better through a formal, rather than an informal, hearing. As the regulations are currently written, the Regional Administrator always has the discretion to hold a formal panel hearing. However, the petitioners objected to a lack of assurance in the regulations that they would receive a written response to a request for such a hearing, should the Regional Administrator deny the request. They were concerned that there would be situations were EPA and the permit applicant would disagree about changes necessary to bring the facility into compliance with the regulations. In situations where the Regional Administrator proposes to issue a permit, but the applicant disagrees as to major permit conditions, the petitioners want the opportunity for a panel hearing.

As a matter of policy, EPA has determined that permit applicants should have an opportunity for a panel hearing when there is a tentative decision to deny the initial permit for an

[4] For further discussion of the *NRDC v. EPA* case and the settlement agreement filed on the RCRA-related issues, see the preamble to the proposed amendments on owner signature and certification, 47 FR 32038 (July 23, 1982).

[5] There are three types of hearings available under Part 124. These are: (1) Public hearings. Public, or informal, hearing must be held whenever the Director receives written notice of opposition to a RCRA draft permit and a request for a hearing within 45 days of public notice of the draft permit [See 40 CFR 124.121]; (2) Evidentiary hearings. Evidentiary hearings under Subpart E of Part 124 are formal adversarial hearings conducted by a judicial officer pursuant to formal rules of practice. Evidentiary hearings are available under Section 3008 of RCRA in connection with the termination of a RCRA permit. They are not available upon the issuance or denial of a RCRA permit. See 40 CFR 124.12 and 124.71(a) and the preamble discussion at 45 FR 33409-11; and (3) Panel hearings. Panel hearings under Subpart F of Part 124 are nonadversarial hearings before a panel consisting of three or more EPA employees having special expertise or responsibility in areas related to the issues to be decided. A panel hearing is available whenever the Regional Administrator determines that as a matter of discretion, it would be an appropriate way to process a draft permit. Evidentiary hearings and Panel hearings are both considered formal adjudicatory hearings, as they conform to the formal hearing requirements of the Administrative Procedure Act.

[6] If the Director tentatively decides to deny the permit, he issues a "notice of intent to deny" the permit. A notice of intent to deny is a type of draft permit, which is processed under the same procedures as any draft permit [See 40 CFR 124.6(b)].

existing facility, and where the applicant and EPA disagree on major conditions in the initial draft permit for an existing facility. Today's proposed amendment to § 124.12(e)(2) provides assurance that such a hearing will not be arbitrarily denied.

Under today's proposal, the permit applicant may request a panel hearing pursuant to §124.114. Such a request must be made before the end of the 45-day public comment period. The applicant must explain in his request why he believes that the issues for which he requests a hearing are genuine issues of material fact, and are issues which are determinative with respect to one or more contested permit conditions. If the Regional Administrator denies the request for a panel hearing, he must send a brief written statement to the applicant explaining his reasons for concluding that no determinative issues have been presented for resolution in a panel hearing.

This proposal would give the petitioners the assurance they want that a panel hearing will not be unreasonably denied.

It should be noted that in circumstances where the Administrator remands an appeal to the Regional Administrator, the Administrator may direct the Regional Administrator to hold a non-adversary panel hearing, if none has been held before.

VI. Economic Impact

These proposed amendments will not have any economic impact on the regulated community, as stated in the background information, it is standard operating procedure for the Agency to allow an applicant the opportunity to correct, explain or cure an incomplete Part A of the RCRA permit. This proposal, therefore does not change anything but the regulatory language.

The second regulatory change requires the Regional Administrator to provide a written reason for denying an applicant's request for a formal hearing. This proposed change increases the paperwork of the Regional Administrator, but does not affect the regulated community.

VII. Request for Comments

The Agency invites comments on all aspects of these proposed regulations. EPA anticipates that finalization of today's proposal will provide part of the basis for the settlement of the *NRDC* v. *EPA* litigation affecting the RCRA portion of the Consolidated Permit Regulations. However, EPA will carefully consider all public comments on this proposal before making its final decision.

VIII. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations, and revisions thereto take effect six months after their promulgation. In addition, Section 553(d) of the Administrative Procedure Act requires publication of a substantive rule not less than 30 days before its effective date. The purpose of these requirements is to allow the regulated community sufficient lead time to prepare to comply with major new regulatory requirements. For the amendments proposed today, however, the Agency believes that an effective date 30 days or six months after promulgation would cause unnecessary disruption in the implementation of the regulations and might deny the public certain safeguards in the permitting process. These amendments, if promulgated in final form, would not impose substative requirements on the regulated community, but rather would guarantee certain procedural safeguards. The Agency believes that this is not the type of regulation that Congress had in mind when it provided a delay between the promulgation and the effective date of revisions to regulations. Consequently, EPA believes that it will have good cause to make these amendments effective immediately if and when they are promulgated in final form, but requests comments on whether such action would cause hardship for the regulated community or would otherwise be inappropriate.

IX. Executive Order 12291

Under Executive Order 12291 (46 FR 12193, February 19, 1981), EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. A major rule is defined as a regulation which is likely to result in:

—An annual effect on the economy of $100 million or more;
—A major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or
—Significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This regulation is not major because it will not result in an effect on the economy of $100 million or more. It merely provides some procedural safeguards upon the failure to qualify for interim status and the issuance or denial of a RCRA permit. There will be no adverse impact on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This amendment is not a major regulation, therefore no Regulatory Impact Analysis is being prepared.

This amendment was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

X. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, the reporting or recordkeeping provisions that are included in this proposed rule have been submitted to the Office of Management and Budget (OMB) for approval under Section 3504(h) of the Act. Any final rule will include an explanation of how the reporting or recordkeeping provisions contained therein respond to any comments by OMB or the public.

XI. President's Task Force on Regulatory Relief

The President's Task Force on Regulatory Relief designated the Consolidated Permit Regulations (40 CFR Parts 122–124) for review by EPA. This proposal supports the goals of the Task Force by reducing the burden of the RCRA portion of the Consolidated Permit Regulations (now deconsolidated) on the regulated community. This proposal also fulfills one of EPA's obligations in the settlement of industry litigation on the RCRA portion of the Consolidated Permit Regulations. In addition to issuing proposals aimed at settling the litigation, the Agency has deconsolidated the regulations to make them more easily usable by the public. As a result of deconsolidation, there was some reorganization of the regulations. Thus, this proposed amendment is in somewhat different format and location than it appeared in the settlement agreement.

XII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish a general notice of proposed rulemaking for any rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the proposed rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility

analysis is required, however, if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment imposes no substantive requirements on the regulated community. Accordingly, I hereby certify that this proposed regulation, if issued in final form, will not have a significant economic impact on a substantial number of small entities.

Dated: April 26, 1983.

Lee L. Verstandig,

Acting Administrator.

List of Subjects

40 CFR Part 270

Administrative practice and procedure, Air pollution control, Hazardous materials, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Confidential business information.

40 CFR Part 124

Administrative practice and procedure, Air pollution control, Hazardous materials, Waste treatment and disposal, Waste pollution control, Water supply, Indians—lands.

PART 270—[AMENDED]

It is proposed that 40 CFR Parts 270 and 124 be amended as follows:

1. The authority citation for Part 270 reads as follows:

Authority: Sections 1006, 2002(a), 3005, 3007 and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA) (42 U.S.C. 6901, 6912(a), 6925, 6927 and 6974).

2. In Part 270, it is proposed to amend § 270.70 by revising paragraph (b) to read as follows:

§ 270.70 Qualifying for interim status.

* * * * *

(b) *Failure to qualify for interim status.* If EPA has reason to believe upon examination of a Part A application that it fails to meet the requirements of § 270.13, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for EPA's belief that the application is deficient. The owner or operator shall have 30 days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity for response, EPA determines that the application is deficient it may take appropriate enforcement action.

PART 124—[AMENDED]

3. The authority citation for Part 124 reads as follows:

Authority: The Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; the Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.*; the Clean Water Act, 33 U.S.C. 1251 *et seq.*; the Clean Air Act, 42 U.S.C. 1857 *et seq.*

4. In Part 124, it is proposed to amend § 124.12 by revising paragraph (e) to read as follows:

§ 124.12 Public hearings.

* * * * *

(e)(1) At his or her discretion, the Regional Administrator may specify that RCRA or UIC permits be processed under the procedures in Subpart F.

(2) For initial RCRA permits for existing HWM facilities, the Regional Administrator shall have the discretion to provide a hearing under the procedures in Subpart F. The permit applicant may request such a hearing pursuant to § 124.114 on one or more issues, if the applicant explains in his request why he or she believes those issues: (1) Are genuine issues of material fact and; (2) are determinative with respect to one or more contested permit conditions, identified as such in the applicant's request, that would require extensive changes to the facility ("contested major permit conditions"). If the Regional Administrator decides to deny the request, he or she shall send to the applicant a brief written statement of his or her reasons for concluding that no such determinative issues have been presented for resolution in such a hearing.

[FR Doc. 83-12492 Filed 5-9-83; 8:45 am]

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40 CFR Parts 264 and 270

[SW FRL 2251-7]

Hazardous Waste Management System: Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; and the Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing to amend the hazardous waste permit regulations. The regulations require, among other things, that a permittee under the Resource Conservation and Recovery Act maintain records of all ground-water monitoring data for the active life of the hazardous waste mangement facility. Today's proposal would change this requirement to allow the permittee to retain records of ground-water monitoring data for ten consecutive years only. This proposal eliminates a burdensom recordkeeping requirement without compromising protection of human health and the environment.

This amendent, if promulgated in the same form as proposed here, would result in an estimated savings to the regulated community of approximately $45,000 a year by reducing the burden of retaining ground-water monitoring records.

DATE: EPA will accept comments on this proposal until July 11, 1983.

ADDRESS: Comments should be addressed to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460. Communications should identify the docket as "Docket 3004—Ground-water Monitoring Data."

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline toll-free at (800) 424-9346 or in Washington, D.C. at 382-3000; or Deborah Wolpe, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202) 382-4754.

SUPPLEMENTARY INFORMATION: On February 26, 1980, and May 19, 1980, EPA promulgated regulations implementing Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6901 *et seq.* These regulations established the first phase of a comprehensive program for the handling and management of hazardous waste (40 CFR Parts 260-265, 45 FR 33066-33289). In addition, on May 19, 1980, EPA promulgated the Consolidated Permit Regulations governing five permit programs.[1] On January ——, 1983, the Consolidated Permit Regulations were deconsolidated. Each of the five permit programs now appears in a separate Part of the Code of Federal Regulations. The changes proposed today affect only

[1] The five permit programs which were covered by the Consolidated Permit Regulations are: The Hazardous Waste Management (HWM) program under Subtitle C of RCRA, the Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act, the National Pollutant Discharge Elimination System (NPDES) program under Section 402 of the Clean Water Act, the State "Dredge or fill" program under Section 404 of the Clean Water Act, and the Prevention of Significant Deterioration (PSD) program under regulations implementing Section 165 of the Clean Air Act. [Previously codified in 40 CFR Parts 122-124, 45 FR 33290-33588].

the hazardous waste permit program under Subtitle C of RCRA, now codified at 40 CFR Part 270.

Section 270.30 lists conditions which are applicable to all RCRA permits. Among them is a requirement that the permittee retain records of all monitoring information for a period of at least three years from the date of the sample, measurement, report or application. See 40 CFR 270.30(j)(2) [originally § 122.7(j)(2)]. Section 270.30(j)(2) additionally requires, however, that the permittee maintain records "from all ground-water monitoring wells and associated ground-water surface elevations, for the active life of the facility, and for disposal facilities for the post-closure care period as well."

In addition, 40 CFR 264.73 states that the owner or operator of a permitted facility must keep a written operating record at the facility containing certain information, including ground-water monitoring data, which must be included in the operating record *until closure* of the facility. (See 40 CFR 264.73(b)).

Section 270.30(j)(2) has been challenged as unreasonable in a lawsuit on the Consolidated Permit Regulations, *NRDC* v. *EPA*, No. 80–1607 and consolidated cases, (D.C. Cir., filed June 2, 1980).[2] Petitioners in the suit claimed that this requirement of maintaining records for the active life of the facility is unnecessary, as the permit-issuing authority can readily obtain the necessary information from the RCRA annual reports required under 40 CFR 265.75(f) and 265.94.[3]

Athough EPA does not agree that it is duplicative to require the facility owner or operator to maintain such data for the lifetime of the facility, the Agency believes that this recordkeeping requirement is more burdensome than it need be. The Agency is therefore proposing to amend § 270.30(j)(2) to require the permittee to retain records of all ground-water monitoring activities for ten consecutive years only, and to amend § 264.73 to require that the permittee maintain the ground-water monitoring data in the facility's written operating record also for ten years. The Agency believes that ten years is a reasonable period of time to require the facility owner or operator to maintain records. In addition to this ten year record of monitoring data, ground-water quality background values will be specified in the permit itself. The last ten years of ground-water monitoring data, in addition to the background values is sufficient information for the facility owner or operator and EPA to make a realistic assessment of changes in ground-water quality.

It should be noted that on a case by case basis, EPA may always require a facility to retain the ground-water monitoring records for more than ten years. Section 264.74 states that the retention period for all records under Part 264 is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the Administrator for other reasons. Therefore, the effect of this proposal would be to eliminate a burdensome recordkeeping requirement without compromising EPA's access to information, or the protection of human health and the environment.

IV. Request for Comments

The Agency invites comments on all aspects of these proposed regulations. EPA anticipates that finalization of today's proposal will provide part of the basis for settlement of the *NRDC* v. *EPA* litigation affecting the RCRA portion of the Consolidated Permit Regulations. However, EPA will carefully consider all public comments on this proposal before making its final decision. EPA is specifically requesting comments on whether reducing the recordkeeping requirement for groundwater monitoring data to ten years is sufficient to meet the objectives of Subpart F, and whether it is clear that this proposal requires the owner or operator to retain the data from the last ten consecutive years, and not any random ten years.

V. Economic Impact

The change proposed today will only affect facilities that require ground water monitoring, i.e, landfills, surface impoundments, land treatment units and some waste piles.

EPA estimates that this proposal will reduce compliance costs to the regulated community by approximately $45,000 a year. This represents an annual cost savings of approximately $30 per facility.

VI. Executive Order 12291

Under Executive Order 12291, (46 FR 12193, February 19, 1981), EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. A major rule is defined as a regulation which is likely to result in:

—An annual effect on the economy of $100 million or more;

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

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

This regulation is not major because it will not result in an effect on the economy of $100 million or more annually. Although it will effect the economy, the effect will not be the result of an increase in costs or prices to industry in terms of compliance with the regulations. Rather, the effect is to reduce the cost of compliance slightly. There will be no adverse impact on the ability of the U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this amendment is not a major regulation, and no regulatory impact analysis is being prepared.

This amendment was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the Office of Solid Waste Docket, Room S–269, U.S. EPA, 401 M Street, SW, Washington, D.C., 20460.

VII. Paperwork Reduction Act

The information reporting and recordkeeping provisions in this rule have been submitted for approval to the Office of Management and Budget (OMB) under Section 3504(b) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq*. Any final rule will explain how its reporting or recordkeeping provisions respond to any OMB or public comments.

VIII. President's Task Force on Regulatory Relief

The President's Task Force on Regulatory Relief designated the Consolidated Permit Regulations (40 CFR Parts 122–124) for review by EPA. This proposal supports the goals of the Task Force by reducing the burden on the regulated community. This proposal also fulfills one of EPA's obligations in the settlement of the RCRA portion of industry litigation on the Consolidated Permit Regulations. In addition to

[2] For further discussion of the *NRDC* v. *EPA* lawsuit and the settlement agreement filed on the RCRA-related issues in the case, see the preamble to the proposed amendments to §§ 122.4 and 122.7 concerning owner signature and certification, (now §§ 270.7 and 270.11). 47 FR 32038 (July 23, 1982).

[3] This was the litigants' actual argument. Their assumption was that Part 264 would contain requirements very similar to §§ 265.75(f) and 265.94. In fact, however, the Part 265 requirements do not apply to permitted facilities. There currently is no such requirement that ground-water monitoring data be reported in the annual report for permitted facilities (Part 264). Therefore, the argument that maintaining these records at the permitted facility is duplicative has no basis.

issuing proposals aimed at settling the litigation, the Agency has deconsolidated the regulations to make them more easily usable by the public. As a result of deconsolidation, there was some reorganization of the regulations. Thus, this proposed amendment is in somewhat different format and location than it appeared in the settlement agreement.

IX. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish a general notice of proposed rulemaking, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the proposed rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment will not have a significant economic impact on a substantial number of small entities because it imposes no new substantive requirements. It will result in a slight reduction of regulatory requirements. Accordingly, I hereby certify that this proposed regulation, if issued in final form, will not have a significant economic impact on a substantial number of small entities.

Dated: April 26, 1983.

Lee. L. Verstandig,

Acting Administrator.

List of Subjects

40 CFR Part 264

Hazardous materials, Packaging and containers, Recordkeeping and reporting requirements, Security measures, Surety bonds, Waste treatment and disposal.

40 CFR Part 270

Administrative practice and procedure, Hazardous material, Air pollution control, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply, Confidential business information.

PART 270—[AMENDED]

It is proposed that Title 40, Part 270 of the Code of Federal Regulations be amended as follows:

1. The authority citation for Part 270 reads as follows:

Authority: Sections 1006, 2002(a), 3005, 3007 and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. §§ 6905, 6912(a), 6925, 6927 and 6974).

2. It is proposed that 40 CFR Part 270 be amended by revising paragraph (j)(2) of § 270.30 to read as follows:

§ 270.30 Conditions applicable to all permits.

* * * * *

(j) * * *

(2) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. The permittee shall maintain records of all ground-water monitoring data and associated evaluations for ten years. Whese time periods may be extended by request of the Director at any time.

PART 264—[AMENDED]

3. The authority citation for Part 264 reads as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010 and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930 and 6974).

4. It is proposed that 40 CFR Part 264 be amended by revising paragraph (b) of § 264.73 to read as follows:

§ 264.73 Operating record.

* * * * *

(b) The following information, other than the Subpart F ground-water monitoring data required in paragraph (b)(6) of this section, must be recorded, as it becomes available, and maintained in the operating record until closure of the facility. Data associated with Subpart F ground-water monitoring must be recorded, as it becomes available, and maintained in the operating record for ten years.

* * * * *

[FR Doc. 83-12490 Filed 5-9-83; 8:45 am]

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40 CFR Part 270

[SW H-FRL 2251-6]

Hazardous Waste Management System; the Hazardous Waste Permit Program

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is today proposing to amend its hazardous waste permit regulations to allow some hazardous waste permits to be automatically transferred from the original permitted owner to the new owner of a hazardous waste treatment, storage, or disposal facility if the original owner gives 90 days advance notice of the transfer. This proposal would only allow such transfers to occur automatically if the new owner makes no changes in the operation of the facility, and meets other prerequisites specified in these proposed regulations.

Because these amendments are proposed, they will have no immediate economic impact. If these amendments are promulgated in the same form as proposed today, the Agency expects that they will result in a minimal savings to the regulated community. The savings would be realized by reducing the time and procedural requirements involved in transferring a permit to a new owner or operator. There would be no impact on the environment as this proposal would result in a reduction of paperwork, but no reduction of substantive requirements.

DATE: The Agency will accept comments on these proposed amendments until July 11, 1983.

ADDRESS: Comments on these amendments should be addressed to the Docket Clerk (Docket 3005—Transfers of Permits), Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: The RCRA hotline toll-free at (800) 424-9346 in Washington, D.C. at (202) 382-3000; or Deborah Wolpe, Office of Solid Waste (WH-563), U.S. Environmental Protection Agency, Washington, D.C. 20460 (202) 382-4754.

SUPPLEMENTARY INFORMATION:

I. Introduction

On February 26, 1980 and May 19, 1980, EPA promulgated regulations implementing Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (RCRA), 42 U.S.C. 6901 *et seq.* These regulations established the first phase of a comprehensive regulatory program for the handling and management of hazardous waste (40 CFR Parts 260-265, 45 FR 33066-33289). In addition, on May 19, 1980, EPA promulgated the Consolidated Permit Regulations governing five permit programs.[1] (40

[1] The five permit programs which were governed by the Consolidated Permit Regulations are: the

CFR Parts 122–124, 45 FR 33290–33588). Subsequently, on January ——, 1983, the Consolidated Permit Regulations were deconsolidated. Each of the five permit programs now appears in a separate Part of the Code of Federal Regulations. The changes proposed today concern only one of these permit programs—the hazardous waste permit program under Subtitle C of RCRA, now located at 40 CFR Part 270.

The Subtitle C regulations require, among other things, that facilities which treat, store, or dispose of hazardous waste obtain a permit from EPA or an authorized state,[2] and require that hazardous wastes be designated for, delivered to, and treated, stored, or disposed of only in these permitted facilities. A RCRA permit is obtained by the owner, and, if the facility is owned by one person and operated by another, by the operator of a hazardous waste management (HWM) facility. See 40 CFR 270.7(b).

The privileges associated with a RCRA permit attach only to the person authorized to conduct the permitted activity and are not inherently assignable. As a practical matter, however, the Agency allows changes in ownership or operational control of some facilities to occur without requiring the issuance of an entirely new permit.

II. Current Regulations on Transferring Permits

Permits are not transferable to any person except after notice to the Director.[3] When the Director receives notice of a proposed change in ownership or operational control, he decides whether the change should involve: (1) A revocation and reissuance of the permit; (2) a "major" modification to the existing permit; or (3) a minor modification to the existing permit.[4] The type and extent of the changes to the permit necessitated by the transfer of control determine whether and how the permit will be transferred. Each of these approaches entails different procedures and consequences.[5]

A. Transfer by Revocation and Reissuance

The Director may require revocation and reissuance of any permit that is being transferred. As a practical matter, such procedures probably would be invoked only when the new owner or operator proposes significant changes to the facility such as changes in the processes used and the wastes handled.

The revocation and reissuance of a permit entails essentially the same procedures as issuance of a permit. A new permit application must be submitted, and all applicable procedures in 40 CFR Part 124 must be followed, i.e., a draft permit must be prepared, and public notice and an opportunity for public comment and hearing on the draft permit must be given. The entire permit is reopened when a permit is being revoked and reissued.

This method of transferring permits is therefore time-consuming. For this reason it generally will be used only when the new owner or operator will change the operation of the entire facility significantly.

B. Transfer by "Major" Modification of the Permit

In many cases, a change in ownership or operational control will involve only a modification to the existing permit, rather than a complete revocation of the existing permit and issuance of a new permit. A modification generally should be adequate if the changes necessitated by the transfer do not entail numerous significant changes to the existing permit. For example, if the new pemittee proposes changes to the closure or post-closure plan, or financial mechanisms, but not the actual operation of the currently permitted facility, a major modification should be sufficient.

A major modification to a permit still requires that the procedures outlined in 40 CFR Part 124 (i.e., draft permit, public notice etc.) be followed. However, only those portions of the permit application concerning the conditions being changed or added is required, and only those permit conditions which are being modified are reopened at this time. Thus, the public is informed of the changes and has an opportunity to comment, but the transfer would not be as involved or time-consuming as a transfer which entails revocation and reissuance of a permit. Of course the permittee may always request that the transfer be handled as a revocation and reissuance, rather than a modification to an existing permit.

C. Transfer by Minor Modification of the Permit

Some changes in ownership or operational control may require only a minor modification of the permit under 40 CFR 270.42(d). Section 270.42 provides that, in certain circumstances, with the consent of the permittee, the Director may modify a permit without following the procedures of Part 124 when there is a change in ownership or operational control. A transfer may only be handled as a minor modification to the permit if the Director determines that no changes to the permit other than the change in ownership or operational control (and any other changes listed in § 270.42 as minor modifications[6] are necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Director. (See 40 CFR 270.42(d)). For example, a transfer of control between subsidiaries of the same corporation should involve only a change in name, and therefore could be treated as a minor modification to the permit.

A minor modification may be processed much faster than either a major modification, or a revocation and reissuance, as no draft permit need be prepared, and no public notice procedures are required. However, the permittee must wait for EPA to act on the modification before the transfer may take place, and transfer by minor modification is only available under very limited circumstances.

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hazardous waste management (HWM) program under Subtitle C of RCRA; the Underground Injection Control (UIC) program under Part C of the Safe Drinking Water Act; the National Pollutant Discharge Elimination System (NPDES) program under Section 402 of the Clean Water Act; the State "Dredge or Fill" program under Section 404 of the Clean Water Act; and the Prevention of Significant Deterioration (PSD) program under regulations implementing Section 165 of the Clear Air Act.

[2] Section 3006 of RCRA provides that the Administrator of EPA shall authorize state hazardous waste management programs to operate in their respective jurisdictions in lieu of the Federal program. Such programs must meet minimum EPA guidelines. See the preamble to 40 CFR Part 123 (now Part 271) in the May 19, 1980 **Federal Register**, 45 FR 33386; the preamble discussion accompanying the January 26, 1981 amendments to those regulations, 46 FR 8298; and subsequent amendments on July 26, 1982, 47 FR 32373.

[3] The term "Director" as used in the hazardous waste permit regulations, is defined to mean the EPA Regional Administrator or the State Director of an authorized state program, as the circumstances require. See 40 CFR 270.1.

[4] See 40 CFR 270.30(1)(3). The Director may require modification or revocation or reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

[5] Automatic transfers are allowed for NPDES and certain UIC permits only, but not RCRA permits. See 40 CFR 122.61 and 144.38.

[6] The other changes listed in § 270.42 as minor modifications to RCRA permits are changes in the lists of facility coordinators or equipment in the contingency plan; changes in the estimates of maximum inventory in the closure plan; changes in the estimates of the expected year of closure; changes approving periods longer than 90 or 180 days for the time allowed for closure; certain changes in the trial burn for incinerators; and certain changes in land treatment programs. The Agency is planning to propose to expand the list of minor modifications in the near future.

D. Automatic Transfer of Permits

The regulations currently do not provide for automatic transfers of RCRA permits. However, NPDES and some UIC permits may be transferred to a new permittee automatically, if the requirements of §§ 122.61 or 144.38 are fulfilled. For an NPDES or UIC permit to be transferred automatically, the current permittee must notify the Director at least 30 days in advance of the proposed transfer date, and include in the notice a written agreement containing a specific date for the transfer of permit responsibility, coverage and liability. The transfer is automatic if the Director does not notify them of his intent to modify or revoke and reissue the permit within the 30 days.

For NPDES and UIC permits that are automatically transferred under §§ 122.61 or 144.38 the cause for modification survives the transfer, so that the Director may later modify the permit to reflect the changes to the facility resulting from the transfer, without holding up the transfer. This procedure allows a transfer to take place with no delay other than the 30-day notice period. This procedure is less burdensome on new owners or operators, therefore, as they need not wait for EPA to make the change to the permits, as they do when the permit is modified or revoked and reissued prior to the actual transfer.

III. Proposed Changes

Section 270.40, concerning transfers of RCRA permits, has been challenged as unreasonably restrictive. Industry petitioners, in settlement discussions dealing with the lawsuit on the consolidated permit regulations,[1] have argued that requiring a modification or revocation and reissuance of a permit for most RCRA permits before a transfer may take place is unduly burdensome. They have asserted that the requirements, details, and formalities attending property transfers are burdensome enough without involving EPA. Thus, they suggest that EPA should allow transfers of RCRA permits under an approach similar to that used for NPDES and UIC permits, allowing "automatic" transfers of permits for RCRA facilities.

Today the Agency is proposing to allow some RCRA permits to be transferred automatically, under a scheme similar to that used for NPDES and some UIC permits. The Agency agrees that many transfers ought to be subject to a streamlined transfer procedure, one not involving prior Agency action.

Today's proposal provides that a transfer may take place "automatically" if the new permittee proposes no changes in the operation of the facility and the Director receives notice from the existing permittee at least 90 days in advance of the proposed transfer date and receives a written agreement containing: (1) A specific date for transfer of permit responsibility, coverage and liability; (2) a demonstration that the financial responsibility regulations will be met by the new permittee, including a copy of the appropriate documents; and (3) a signed statement by the new permittee agreeing to comply with the existing permit conditions and the revised financial instruments.

If the new permittee does not receive notice from the Director within the 90-day advance notice period that modification or revocation and reissuance is necessary prior to the transfer, the transfer is effective on the date specified in the notice. EPA would plan to modify the permit, after the date of transfer, to reflect the new owner or operator's name and the revised financial instruments. If, however, the Director gives notice within the 90-day advance notice period, that a major or minor modification or revocation and reissuance of the permit is necessary prior to the transfer, the applicable procedures must be followed.

This is a change from the May 19, 1980 regulations. In the preamble to those regulations, the Agency stated that for RCRA facilities, it would always be necessary to modify the permits upon the transfer of ownership or operational control of the permitted facility. EPA had determined that this was necessary because we believed that all RCRA permits would contain conditions which would be personal to the permittee and which necessarily would change when the permittee changes, such as the closure and post-closure plans, the contingency plan, and provisions for financial responsibility.

The Agency no longer believes that all of the closure, inspection, and contingency plans are personal to the permittee. Many can be generally applicable to the facility. To expedite transfers of property, EPA is proposing to allow an automatic transfer of the permit when these conditions would not change, and then later process the facility's change of name and financial instruments as a modification to the permit.

It will be up to the original and new permittees whether they wish to apply to the Director for an automatic transfer or a minor modification, the major difference being that for a minor modification, they would wait for the Agency to take action on the permit modification before the transfer takes place.

It should be noted that EPA does not intend to allow any automatic transfers where a major modification to the permit would be necessary.

Ninety days is the same amount of advance notice that is required by EPA for transfers of facilities during interim status. (See 40 CFR 270.72). The Agency believes that in most cases, it needs that amount of time to review the revised financial instruments. It has been the Agency's experience, however, that the 90-day notice period may need to be shortened in certain circumstances, *e.g.*, a court-ordered transfer of ownership necessitating a permit transfer in less than 90-days. Therefore, the Agency is proposing to add a provision to § 270.40(b) that for good cause shown by either the existing or new permittee, the Director may allow a shorter advance notice period.

The Director must get actual notice of the transfer before the 90-days advance notice period begins. The permittee is therefore advised to send his notice by certified mail.

IV. Transfer of State Permits

Many states preclude any permit transfers and require that new facility owners apply for and obtain a new permit in all instances of changes in ownership or operational control. This proposal would not affect transfers of permits in states which preclude permit transfers under state law because Section 3009 of RCRA allows States to impose requirements that are more stringent than those imposed by the Federal regulations.

V. Economic Impact

EPA estimates that the savings attributable to this proposal would be equal to the difference between the cost of a minor modification to a permit and the cost of the automatic transfer (i.e., difference in when the modification to the permit occurs). This amendment merely allows the permittee a measure of convenience, by assuring the permittee that he may make his modification within 90 days. Because the cost of this convenience is negligible, there would be very little if any cost savings.

[1] *NRDC* v. *EPA*, No. 80-1607 and consolidated cases (D.C. Cir., filed June 2, 1980). For further discussion of the lawsuit and the settlement agreement dealing with the RCRA-related issues in the case, see the preamble to the proposed amendments to §§ 122.4 and 122.6 (now §§ 270.7 and 270.11), 47 FR 32038 (July 23, 1982).

VI. Request for Comments

The Agency invites comments on all aspects of these proposed regulations. EPA anticipates that finalization of today's proposal will provide part of the basis for the settlement of the *NRDC v. EPA* lawsuit on the RCRA portion of the conslidated permit regulations. However, EPA will carefully consider all public comments on this proposal before making its final decision.

VII. Effective Date

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations, and revisions thereto take effect six months after their promulgation. In addition, section 553(d) of the Administrative Procedure Act requires publication of a substantive rule note less than 30 days before its effective date. The purpose of these requirements is to allow the regulated community sufficient lead time to prepare to comply with major new regulatory requirements. For the amendments proposed today, however, the Agency believes that an effective date six months after promulgation would cause unnecessary disruption in the implementation of the hazardous waste management program and would contravene the purpose of these amendments. These amendments, if promulgated in final form, would allow some RCRA permits to be transferred from a permittee to a new owner or operator without prior modification or revocation and reissuance.

The Agency believes that this is not the type of regulation that Congress had in mind when it provided a delay between the promulgation and the effective date of revisions to regulations. Indeed, this is a rule that would relieve an existing restriction. (See 42 U.S.C. 553(d)(1)). Consequently, EPA believes that it will have good cause to make these amendments effective immediately if and when they are promulgated in final form, but requests comments on whether such action would cause hardship for the regulated community or would otherwise be inappropriate.

VIII. Executive Order 12291

Under Executive Order 12291 (46 FR 12193, February 19, 1981), EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a regulatory Impact Analysis. A major rule is defined as a regulation which is likely to result in:

—An annual effect on the economy of $100 million or more;

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

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

The regulation is not major because it will not result in an effect on the economy of $100 million or more. There will be no adverse impact on the abiljty of the U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This amendment is not a major regulation, therefore no Regulatory Impact Analysis is being prepared.

This amendment was submitted to the Office of Management and Budget for review as required by Executive Order 12291.

IX. Paperwork Reduction Act

The reporting or recordkeeping provisions in this rule have been submitted for approval to the Office of Management and Budget (OMB) under Section 3504(b) of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et. seq.* Any final rule will explain how its reporting or recordkeeping provisions respond to any OMB or public comments.

X. President's Task Force on Regulatory Relief

The President's Task Force on Regulatory Relief designated the Consolidated Permit Regulations (40 CFR Parts 122–124) for review by EPA. This proposal supports the goals of the Task Force by reducing the burden on the regulated community. This proposal also fulfills one of EPA's obligations in the settlement of the RCRA portion of industry litigation on the Consolidated Permit Regulations. In addition to issuing proposals aimed at settling the litigation the Agency has deconsolidated the regulations to make them more easily usable by the public. As a result of deconsolidation there was some reorganization of the regulations. Thus, this proposed amendment is in somewhat different format and location than it appeared in the settlement agreement.

XI. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency is required to publish general notice of proposed rulemaking for any rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the proposed rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

These amendments will not have a significant economic impact on a substantial number of small entities. If these amendments are promulgated in the same form as proposed today, the Agency expects that it will result in minimal savings to the community.

Accordingly, I hereby certify that this proposed regulation, if issued in final form, will not have a significant economic impact on a substantial number of small entities.

Dated: April 26, 1983.

Lee L. Verstandig

Acting Administrator.

List of Subjects in 40 CFR Part 270

Administrative practices and procedure, Reporting and recordkeeping requirements, Hazardous materials, Waste treatment and disposal, Water pollution control, Water supply, Confidential business information.

PART 270—[AMENDED]

It is proposed that 40 CFR Part 270 be amended as follows:

1. The authority citation for Part 270 reads as follows:

Authority: Sections 1006, 2002, 3005, 3007 and 7004 of the Solid Waste Disposal Act, as amended by of the Resource Conservation and Recovery Act of 1976, as amended (RCRA) (42 U.S.C. 6905, 6912, 6925, 6927 and 6974).

2. It is proposed that § 270.40 be amended by designating the existing section as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 270.40 Transfer of permits.

* * * * *

(b) *Automatic Transfers.* As an alternative to transfers under paragraph (a) of this section, any RCRA permit may be automatically transferred to a new permittee if the new permittee proposes no changes in operation, and:

(1) The Director receives notice by certified mail from the existing permittee at least 90 days in advance of the proposed transfer date specified in the agreement mentioned in paragraph (b)(2) of this section, unless the Administrator allows a shorter advance notice period for good cause shown by the existing or new permittee;

(2) The notice includes: (i) A written agreement between the existing and new permittee, signed by both.

containing a specific date for transfer of permit responsibility, coverage, and liability; (ii) a demonstration that the financial responsibility requirements of 40 CFR Part 264 will be met by the new permittee, including a copy of the revised financial instruments or other appropriate documents; (iii) a signed statement by the new permittee agreeing to comply with the existing permit conditions, and the revised financial requirements; and

(3) The new permittee receives no notice from the Director, within 90 days from the date the Director received the notice referred to in paragraph (b)(1) of this section, that modification, or revocation and reissuance of the permit is necessary. If such notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph (b)(2) of this section. EPA may modify the permit after the effective date of the transfer to include the new permittee's name and the revised financial instruments. If, within the 90 day advance notice period, the Director gives notice that modification or revocation and reissuance of the permit is necessary under § 270.41(b)(2), the applicable procedures of Part 124 must be followed, rather than these procedures for an automatic transfer.

* * * * *

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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.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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 May 6, 1983

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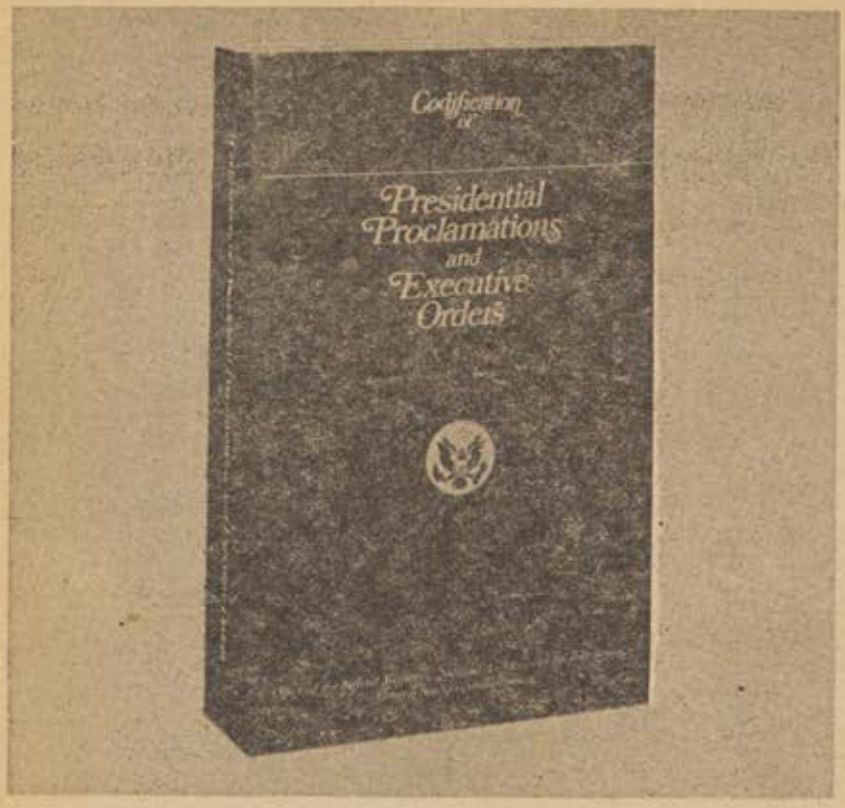

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