

# OK Federal Register

Thursday  
June 2, 1983

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## Selected Subjects

### **Agricultural Research**

Agricultural Marketing Service

### **Airspace**

Federal Aviation Administration

### **Alcohol and Alcoholic Beverages**

Alcohol, Tobacco and Firearms Bureau

### **Authority Delegations (Government Agencies)**

Securities and Exchange Commission

### **Coal Mining**

Surface Mining Reclamation and Enforcement Office

### **Endangered and Threatened Wildlife**

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### **Fisheries**

National Oceanic and Atmospheric Administration

### **Flood Insurance**

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### **Grapes**

Agricultural Marketing Service

### **Marketing Agreements**

Agricultural Marketing Service

### **Motor Vehicle Safety**

National Highway Traffic Safety Administration

### **Natural Gas**

Federal Energy Regulatory Commission

### **Pesticides and Pests**

Environmental Protection Agency

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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.

## Selected Subjects

### Relocation Assistance

Navajo and Hopi Indian Relocation Commission

### Securities

Securities and Exchange Commission

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Alcohol, Tobacco and Firearms Bureau

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Thesaurus of Indexing Terms will be printed in  
the **Federal Register** of Thursday, June 16, 1983  
as Part II. Federal agencies wishing to order  
multiple copies from the Government Printing  
Office may do so by submitting a completed  
Standard Form 1 (SF-1) by noon Wednesday,  
June 15, 1983, to: Planning Services Division,  
Government Printing Office.

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The following is a list of the names of the persons who have been admitted to the membership of the Society since the last meeting. The names are given in alphabetical order, and the date of admission is given in parentheses.

Mr. J. H. Smith (1870)  
 Mr. W. B. Jones (1870)  
 Mr. T. C. Brown (1870)  
 Mr. R. M. White (1870)  
 Mr. S. D. Green (1870)  
 Mr. L. K. Black (1870)  
 Mr. P. Q. Grey (1870)  
 Mr. U. V. Blue (1870)  
 Mr. X. Y. Red (1870)  
 Mr. Z. A. Purple (1870)  
 Mr. B. C. Orange (1870)  
 Mr. F. G. Yellow (1870)  
 Mr. H. I. Pink (1870)  
 Mr. J. K. Light (1870)  
 Mr. M. N. Dark (1870)  
 Mr. O. P. Bright (1870)  
 Mr. Q. R. Dull (1870)  
 Mr. S. T. Shiny (1870)  
 Mr. U. V. Matte (1870)  
 Mr. X. Y. Glossy (1870)  
 Mr. Z. A. Silky (1870)  
 Mr. B. C. Smooth (1870)  
 Mr. F. G. Rough (1870)  
 Mr. H. I. Bumpy (1870)  
 Mr. J. K. Lumpy (1870)  
 Mr. M. N. Bumpy (1870)  
 Mr. O. P. Bumpy (1870)  
 Mr. Q. R. Bumpy (1870)  
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 Mr. U. V. Bumpy (1870)  
 Mr. X. Y. Bumpy (1870)  
 Mr. Z. A. Bumpy (1870)



# Rules and Regulations

Federal Register

Vol. 48, No. 107

Thursday, June 2, 1983

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 916

[Nectarine Reg. 14, Amdt. 3]

#### Nectarines Grown in California; Amendment of Size Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This final rule revises the grade and size regulation currently in effect for nectarines grown in California by establishing minimum size requirements for 2 new varieties (Ambrosia and Sherri Red), and by deleting such requirements for 3 currently regulated varieties (Mayred, Arm Queen, and Kent Grand). Such action is designed to promote orderly marketing in the interest of producers and consumers.

**EFFECTIVE DATE:** June 2, 1983.

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

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

This final rule is issued under the marketing agreement, as amended, and

Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based on information submitted by the Nectarine Administrative Committee established under this marketing order, and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

Shipments of California nectarines are currently regulated by grade and size under § 916.356 Nectarine Regulation 14, as amended. This final rule would further amend this regulation by establishing minimum size requirements (84 count in a No. 22D standard lug box, or 75 nectarines in a 16-pound sample) for the Ambrosia and Sherri Red varieties because they are now produced in commercially significant quantities, and by removing minimum size requirements for the Mayred, Arm Queen, and Kent Grand varieties as they are no longer produced in significant quantities. The committee unanimously recommended this action at its meeting of May 5, 1983, when it met to consider supply and market conditions and other factors affecting the need for and type of regulation suitable for the 1983 season California crop. This action is in accordance with the committee's practice of regulating a particular variety of nectarines by size when 10,000 or more packages are shipped during the prior season, and removing such requirements for any variety when such shipments fall below 5,000 packages. The committee recommends minimum size requirements for the various varieties of nectarines, because fruit below a certain minimum size, depending on the variety, lacks consumer and trade acceptance, and if it is left on the trees longer it may increase in size and improve in quality and maturity. The committee also unanimously adopted and has submitted to the Secretary a marketing policy for the 1983 season California nectarine crop including an analysis of supply and demand factors having a bearing on the marketing of the crop. The committee estimates 1983 season California nectarine shipments at 16,523,000 packages compared with shipments of 14,273,000 packages in 1982.

The Nectarine Regulation 14 was issued July 16, 1981, on a continuing basis subject to modification, suspension, or termination upon recommendation by the committee and approval by the Secretary. This amended regulation is to remain in effect indefinitely. The committee will continue to meet prior to and during each season to consider recommendations for modification, suspension, or termination of the regulatory requirements for California nectarines. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will review committee recommendations and information submitted by the committee, and other available information, and determine whether modification, suspension, or termination of the regulatory requirements would tend to effectuate the declared policy of the Act.

The amended regulatory requirements are necessary to prevent the shipment of nectarines not meeting the specified requirements, and are designed to provide ample supplies of good quality fruit in the interest of producers and consumers pursuant to the declared policy of the Act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this final rule is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on amendment of the size requirements at an open meeting, at which the committee, without opposition, recommended revision of the requirements as specified in this final rule. This final rule in some instances relieves restrictions on the handling of nectarines, and handlers have been apprised of such provisions and the effective date.

**List of Subjects in 7 CFR Part 918**

Marketing agreements and orders,  
Nectarines, California.

**PART 916—[AMENDED]**

Therefore, § 916.356 (7 CFR Part 916; 47 FR 23913; 35751) is amended by revising the introductory text of paragraph (a); by removing paragraphs (a)(2), (a)(2)(i), and (a)(2)(ii), by redesignating current paragraph (a)(3) as (a)(2), current (a)(4) as (a)(3), and current (a)(5) as (a)(4); and by revising redesignated (a)(3) (introductory text), and (a)(4) to read as follows:

**§ 916.356 Nectarines regulation 14.**

(a) On and after (June 2, 1983), no handler shall handle:

(2) Any package or container of Aurelio Grand, Mayfair, Maybelle, or Royal Delight variety nectarines unless:

(3) Any package or container of Apache, Armking, Crimson Gold, Early Star, Gee Red, June Belle, June Grand, May Grand, Red June, Spring Grand, Sunfre, or Zee Gold variety nectarines unless:

(4) Any package or container of Ambrosia, Autumn Delight, Autumn Grand, Bob Grand, Clinton-Strawberry, Early Sun Grand, Ed's Red, Fairlane, Fantasia, Firebrite, Flamekist, Flavortop, Flavortop I, Gold King, Granderli, Hi-Red, Independence, Late Le Grand, Le Grand, Moon Grand, Niagara Grand, Red Diamond, Red Free, Red Grand, Regal Grand, Richards Grand, Royal Giant, Ruby Grand, September Grand, Tasty Free, Tom Grand, Honey Gold, Larry's Grand, Son Red, Spring Red, Late Tina Red, Red Jim, Summer Beaut, Sparkling Red, Star Grand, Summer Grand, Sun Grand or Sherri Red variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 84 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than specified in paragraph (a)(4) of this section are of a size that a 16-pound sample, representative of the nectarines in the package or container, contains not more than 75 nectarines.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 801-874)

Dated: May 27, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-14773 Filed 6-1-83; 8:45 am]

BILLING CODE 3410-02-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 95**

[Docket No. 23652; Amdt. No. 95-311]

**Air Traffic and General Operating Rules; IFR Altitudes; Miscellaneous Amendments**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rule) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. These regulatory actions are needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**EFFECTIVE DATE:** June 9, 1983.

**FOR FURTHER INFORMATION CONTACT:** Donald K. Funai, Flight Procedures and Airspace Branch (AFO-730), Aircraft Programs Division, Office of Flight Operations, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8277.

**SUPPLEMENTARY INFORMATION:** This amendment to Part 95 of the Federal Aviation Regulations (14 CFR Part 95) prescribes new, amended, suspended, or revoked IFR altitudes governing the operation of all aircraft in IFR flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in Part 95. The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference.

The reasons and circumstances which create the need for this amendment involve matters of flight safety, operational efficiency in the National Airspace System, and are related to published aeronautical charts that are essential to the user and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment is unnecessary, impracticable, or contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

**List of Subjects in 14 CFR Part 95**

Aircraft, Airspace.

**Adoption of the Amendment****PART 95—[AMENDED]**

Accordingly and pursuant to the authority delegated to me by the Administrator, Part 95 of the Federal Aviation Regulations (14 CFR Part 95) is amended as follows effective at 0901 G.m.t. June 9, 1983.

(Secs. 307 and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348 and 1510); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.49(b)(3))

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

Issued in Washington, D.C. on May 25, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

BILLING CODE 4910-13-M

FROM	TO	MEA	FROM	TO	MEA
<b>§95.1001 DIRECT ROUTES-U.S.</b>			<b>§95.1001 DIRECT ROUTES-U.S.—Continued</b>		
<b>IS AMENDED TO READ IN PART</b>					
CRABI, FL FIX	EGMONT KEY, FL MARINE NDB		DALLAS-FORT WORTH, TX VORTAC	TEXARKANA, AR VORTAC	
VIA GULF ROUTE 26			*2200 - MOCA	COP 81 DFW	*11000
GRAND ISLE, LA NDB	*MAGEE, FL FIX	5000	DWINE, OK FIX	TULSA, OK VORTAC	*6000
VIA GULF ROUTE 26			*2400 - MOCA		
*5000 - MRA		5000	ELSAY, TX FIX	HARLINGEN, TX VOR	*1600
MAGEE, FL FIX	CRABI, FL FIX		*1400 - MOCA		
VIA GULF ROUTE 26		10000	FORT SMITH, AR VORTAC	MEMPHIS, TN VORTAC	*18000
			*3100 - MOCA		
			GALVESTON, TX NDB	TAMPICO, MX VOR/DME	#*1500
			*1400 - MOCA		
<b>IS AMENDED TO DELETE</b>			<b>#FOR THAT AIRSPACE OVER U.S. TERRITORY.</b>		
ABILENE, TX VORTAC	GUTHRIE, TX VORTAC		GEREL, TX FIX	WACO, TX VORTAC	2200
VIA ABI VORTAC 311 & GTH VORTAC 175		*4300	GRAND ISLE, LA NDB	DOLPH, LA FIX	*3000
*3600 - MOCA			*1300 - MOCA		
ARDMORE, OK VORTAC	OKLAHOMA CITY, OK VORTAC	3000	GRAND ISLE, LA NDB	FLASH, LA FIX	*3000
ATOKA, OK FIX	DWINE, OK FIX	*9000	*1300 - MOCA		
*2400 - MOCA			GRAND ISLE, LA NDB	*NEPTA, FL FIX	2500
AUSTIN, TX VORTAC	COLLEGE STATION, TX VORTAC	*2400	VIA GULF ROUTE 26		
			*26000 - MRA		
*2100 - MOCA			HERBY, LA FIX	BEAUMONT, TX VORTAC	1500
AUSTIN, TX VORTAC	EAGLE LAKE, TX VOR/ DME	*2400	HOBBS, NM VORTAC	TEXICO, NM VORTAC	*7000
			*5600 - MOCA		
*2100 - MOCA			HOT SPRINGS, AR VOR	MALVE, AR FIX	2500
BATON ROUGE, LA VORTAC	WELCO, LA FIX	2700	HUMBLE, TX VORTAC	VICTORIA, TX VOR	*3000
BEAUMONT, TX VORTAC	SCHOLES, TX VORTAC	1500	*1800 - MOCA		
BORGER, TX VORTAC	WOODRING, OK VOR	8000	INT ADM VORTAC 042 & TUL VORTAC 172	TULSA, OK VORTAC	*7000
			*2800 - MOCA		
CARLSBAD, NM VORTAC	*CAPRO, NM FIX	MAA-10000 **8000	INT IAH VORTAC 327 & CLL VORTAC 100	*DERST, TX FIX	**2000
*9000 - MRA			*2000 - MCA DERST FIX, E BND		
**7300 - MOCA			**1600 - MOCA		
CARLSBAD, NM VORTAC	MIDLAND, TX VORTAC	*7000	KEENE, TX FIX	DALLAS-FORT WORTH, TX VORTAC	*2800
VIA CNM VORTAC 086 & MAF VORTAC 268			*2400 - MOCA		
*5000 - MOCA			LAFAYETTE, LA VORTAC	WHITE LAKE, LA VORTAC	1500
COLLEGE STATION, TX VORTAC	BASTO, TX FIX	*2500	LAKE CHARLES, LA VORTAC	ESLER, LA VOR	2000
*1700 - MOCA			LAKE CHARLES, LA VORTAC	LONGE, LA FIX	*3000
COLLEGE STATION, TX VORTAC	DALLAS-FORT WORTH, TX VORTAC	*5000	*1500 - MOCA		
*3300 - MOCA			LAKE CHARLES, LA VORTAC	POLK, LA VOR	2000
COLLEGE STATION, TX VORTAC	INT CLL VORTAC 293 & ACT VORTAC 187	*3900	VIA LCH VORTAC 337 & POE VOR 200		
*2100 - MOCA					MAA- 8000
COLLEGE STATION, TX VORTAC	LEONA, TX VORTAC	1900	LAKE CHARLES, LA VORTAC	SUGGA, LA FIX	2000
DALLAS-FORT WORTH, TX VORTAC	GREGG COUNTY, TX VORTAC	*4000	LAMPASAS, TX VORTAC	WACO, TX VORTAC	*3500
VIA DFW VORTAC 081 & GGG VORTAC 287			*2500 - MOCA		
*2200 - MOCA			LAMPASAS, TX VORTAC	ACTON, TX VORTAC	*3500
DALLAS-FORT WORTH, TX VORTAC	SHREVEPORT, LA VORTAC	*6000	*2700 - MOCA		
*2500 - MOCA			LEMIG, TX FIX	EMBOW, TX FIX	*3000
DALLAS-FORT WORTH, TX VORTAC	SULPHUR SPRINGS, TX VORTAC	*2500	*2900 - MOCA	MEMPHIS, TN VORTAC	*4000
*2000 - MOCA			LITTLE ROCK, AR VORTAC		
DALLAS-FORT WORTH, TX VORTAC	SULPHUR SPRINGS, TX VORTAC	*3000	*1700 - MOCA	BLUE RIDGE, TX VORTAC	*7000
*2200 - MOCA	COP 37 DFW		LUFKIN, TX VORTAC	COP 62 LFK	
			*2200 - MOCA		
			LUFKIN, TX VORTAC	ESLER, LA VOR	*6000
			*1900 - MOCA	COP 68 LFK	
			MADES, AR FIX	SILER, AR FIX	*8000
			*3600 - MOCA		
			MALVE, AR FIX	PINE BLUFF, AR VORTAC	*2000
			*1600 - MOCA		
			MC ALLEN, TX VOR	ELSAY, TX FIX	*1600
			*1400 - MOCA		

FROM	TO	MEA
<b>§95.1001 DIRECT ROUTES-U.S.—Continued</b>		
NAVASOTA, TX VORTAC	SCURRY, TX VORTAC	18000
NAVASOTA, TX VORTAC	DALLAS-FORT WORTH, TX VORTAC	*6000
	*3400 - MOCA	
NEW ORLEANS, LA VORTAC	CAESA, MS FIX	*4000
	*1400 - MOCA	
NEW ORLEANS, LA VORTAC	NATCHEZ, MS VOR/DME	18000
		MAA-30000
NEW ORLEANS, LA VORTAC	TODDS, LA FIX	*3000
	*2000 - MOCA	
OKLAHOMA CITY, OK VORTAC	FORT SMITH, AR VORTAC	*18000
	*3800 - MOCA	
OKLAHOMA CITY, OK VORTAC	INT OKC VORTAC 109 & MLC VORTAC 275	*3000
	*2900 - MOCA	
OKMULGEE, OK VOR	TULSA, OK VORTAC	3500
VIA OKM VOR 027 & TUL VORTAC 152		
PARIS, TX VOR	MC ALESTER, OK VORTAC	3000
PINE BLUFF, AR VORTAC	MEMPHIS, TN VORTAC	*4000
	*1700 - MOCA	
QUITMAN, TX VORTAC	MC ALESTER, OK VORTAC	*5000
	*2400 - MOCA	MAA-41000
SAN SIMON, AZ VORTAC	ALBUQUERQUE, NM VORTAC	18000
	COP 90 SSO	8000
		MAA-35000
SCHOLES, TX VORTAC	SCHOLES, TX VORTAC 138/96	18000
SCURRY, TX VORTAC	MC ALESTER, OK VORTAC	18000
SCURRY, TX VORTAC	DONIE, TX FIX	18000
SMITH, TX FIX	BEAUMONT, TX VORTAC	*1600
	*1200 - MOCA	
TEAKY, TX FIX	GATLN, TX FIX	2000
TEMPLE, TX VOR	GEREL, TX FIX	2200
VIA TPL VOR 338 & AQN VORTAC 202		
TEMPLE, TX VOR	BOSEL, TX FIX	3500
TULSA, OK VORTAC	CHANUTE, KS VOR	18000
		MAA-33000
TULSA, OK VORTAC	INT TUL VORTAC 097 & FSM VORTAC 312	*3000
	*2200 - MOCA	
TULSA, OK VORTAC	KANSAS CITY, MO VORTAC	18000
VIA TUL VORTAC 358 & MKC VORTAC 223		
		MAA-45000
TULSA, OK VORTAC	RAZORBACK, AR VORTAC	*4000
	*2800 - MOCA	MAA-23000
VICTORIA, TX VOR	PALACIOS, TX VORTAC	1500
WACO, TX VORTAC	KEENE, TX FIX	*2800
	*2100 - MOCA	
WACO, TX VORTAC	LEONA, TX VORTAC	*2500
	*2000 - MOCA	

**§95.6003 VOR FEDERAL AIRWAY 3**  
IS AMENDED TO READ IN PART

LINDEN, VA VORTAC	SHAWNEE, VA VORTAC	*5000
	*3900 - MOCA	

**§95.6003 VOR FEDERAL AIRWAY 3—Continued**

SHAWNEE, VA VORTAC	MARTINSBURG, WV VORTAC	5000
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**§95.6006 VOR FEDERAL AIRWAY 6**  
IS AMENDED TO READ IN PART

PIONS, OH FIX	WATERVILLE, OH VORTAC	*3300
	*2200 - MOCA	

**§95.6007 VOR FEDERAL AIRWAY 7**  
IS AMENDED TO READ IN PART

CHICAGO HEIGHTS, IL VORTAC	*NILES, IL FIX	2000
	*3100 - MCA NILES FIX, N BND	

**§95.6008 VOR FEDERAL AIRWAY 8**  
IS AMENDED TO READ IN PART

GAREN, IN FIX	*GRAB, IN FIX	**4000
	*4000 - MRA	
	**2200 - MOCA	
GRAB, IN FIX	TWERP, OH FIX	*4000
	*2200 - MOCA	

**§95.6010 VOR FEDERAL AIRWAY 10**  
IS AMENDED TO READ IN PART

MILAN, MI FIX	CARLETON, MI VORTAC	2500
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**§95.6012 VOR FEDERAL AIRWAY 12**  
IS AMENDED TO READ IN PART

DAYTON, OH VORTAC	*PIZZA, OH FIX	3000
	*5000 - MRA	
PIZZA, OH FIX	*CLYDE, OH FIX	3000
	*5000 - MRA	

**§95.6020 VOR FEDERAL AIRWAY 20**  
IS AMENDED TO DELETE

U S. MEXICAN BORDER	MC ALLEN, TX VOR	2000
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**§95.6023 VOR FEDERAL AIRWAY 23**  
IS AMENDED TO READ IN PART.

FORT JONES, CA VORTAC	TALEM, OR FIX	*10000
	*9400 - MOCA	
TALEM, OR FIX	*MEDFORD, OR VORTAC	8000
	NW BND	10000
	SE BND	
	*7000 - MCA MEDFORD VORTAC SE BND	

FROM	TO	MEA	FROM	TO	MEA
<b>§95.6028 VOR FEDERAL AIRWAY 28</b> IS AMENDED TO READ IN PART			<b>§95.6036 VOR FEDERAL AIRWAY 36—Continued</b>		
SPOOK, CA FIX	STALK, NV FIX	13000	BURST, NY FIX	THINK, NY FIX	4000
			LAKE HENRY, PA VORTAC	SPOND, PA FIX	4000
			SPARTA, NJ VORTAC	ELLIS, NJ FIX	3000
<b>§95.6031 VOR FEDERAL AIRWAY 31</b> IS AMENDED TO READ IN PART			<b>§95.6037 VOR FEDERAL AIRWAY 37</b> IS AMENDED TO READ IN PART		
HARRISBURG, PA VORTAC	SELINGSGROVE, PA VORTAC	*3500	JACKSONVILLE, FL VORTAC	*CHEST, GA FIX	**4000
*2800 - MOCA			*4000 - MRA		
GIBBY, NY FIX	BEEPS, NY FIX	*3500	*4000 - MCA CHEST FIX, S BND		
*2800 - MOCA			**1500 - MOCA		
BEEPS, NY FIX	FAULT, NY FIX	*3000	BURCH, NC FIX	DOILY, VA FIX	*7000
*2100 - MOCA			*5100 - MOCA		
FAULT, NY FIX	ROCHESTER, NY VORTAC	*2700	DOILY, VA FIX	PULASKI, VA VORTAC	*6000
*2100 - MOCA			*5000 - MOCA		
<b>§95.6033 VOR FEDERAL AIRWAY 33</b> IS AMENDED TO READ IN PART			ZOOMS, WV FIX	*HAWKI, WV FIX	**8000
HARRISBURG, PA VORTAC	GRETA, PA FIX	*4000	*8000 - MRA		
*2900 - MOCA			**6100 - MOCA		
AUDRY, PA FIX	RASHE, PA FIX	4000	ELKINS, WV VORTAC	CLARKSBURG, WV VOR	*5000
RASHE, PA FIX	PHILIPSBURG, PA VORTAC	4000	*3900 - MOCA		
			CLARKSBURG, WV VOR	ELLWOOD CITY, PA VORTAC	*4000
			*3200 - MOCA		
<b>§95.6034 VOR FEDERAL AIRWAY 34</b> IS AMENDED TO READ IN PART			<b>§95.6038 VOR FEDERAL AIRWAY 38</b> IS AMENDED TO READ IN PART		
FAULT, NY FIX	ITHACA, NY VORTAC	*3000	ELKINS, WV VORTAC	*BUGEL, WV FIX	**6400
*2100 - MOCA			*8000 - MRA		
HANCOCK, NY VORTAC	ROOTE, NY FIX	*4000	**5100 - MOCA		
*3000 - MOCA			BUGEL, WV FIX	CEROL, VA FIX	*8000
			*6400 - MOCA		
			MITER, VA FIX	GORDONSVILLE, VA VORTAC	*5000
				NW BND	*4000
				SE BND	
			*3800 - MOCA		
			RICHMOND, VA VORTAC	HARCUM, VA VORTAC	*2000
			*1400 - MOCA		
			HARCUM, VA VORTAC	CAPE CHARLES, VA VORTAC	*2000
			*1300 - MOCA		
<b>§95.6035 VOR FEDERAL AIRWAY 35</b> IS AMENDED TO READ IN PART			<b>§95.6039 VOR FEDERAL AIRWAY 39</b> IS AMENDED TO READ IN PART		
HOMDE, FL FIX	GAINESVILLE, FL VORTAC	3000	DELRO, PA FIX	LANCASTER, PA VORTAC	3000
VIA E ALTER	VIA E ALTER		LANCASTER, PA VORTAC	BOYER, PA FIX	*2900
GAINESVILLE, FL VORTAC	CROSS CITY, FL VORTAC	2000	*2300 - MOCA		
VIA E ALTER	VIA E ALTER		BOYER, PA FIX	EAST TEXAS, PA VORTAC	*3000
CHARLESTON, WV VORTAC	BENZO, WV FIX	*4000	*2300 - MOCA		
*3000 - MOCA					
BENZO, WV FIX	CLARKSBURG, WV VOR	3200			
MORGANTOWN, WV VORTAC	INDIAN HEAD, PA VORTAC	*5000			
*4400 - MOCA					
STONYFORK, PA VORTAC	ELMIRA, NY VORTAC	*4500			
*3900 - MOCA					
ELMIRA, NY VORTAC	SCIPO, NY FIX	*3700			
*3100 - MOCA					
SCIPO, NY FIX	SYRACUSE, NY VORTAC	3500			
<b>§95.6036 VOR FEDERAL AIRWAY 36</b> IS AMENDED TO READ IN PART			<b>§95.6043 VOR FEDERAL AIRWAY 43</b> IS AMENDED TO DELETE		
DALÉE, NY FIX	BURST, NY FIX	*4000	BRIGGS, OH VORTAC	YOUNGSTOWN OH VORTAC	3500
*3600 - MOCA			VIA E ALTER	VIA E ALTER	

FROM	TO	MEA	FROM	TO	MEA
<b>§95.6044 VOR FEDERAL AIRWAY 44</b> IS AMENDED TO READ IN PART			<b>§95.6097 VOR FEDERAL AIRWAY 97</b> IS AMENDED TO READ IN PART		
BENDS, WV FIX *5000 - MRA	*RANDE, WV FIX	4000	CHICAGO O'HARE, IL VOR/ DME DRABB, IL FIX	DRABB, IL FIX FARMM, IL FIX	2700 4000
<b>§95.6047 VOR FEDERAL AIRWAY 47</b> IS AMENDED TO READ IN PART			<b>§95.6103 VOR FEDERAL AIRWAY 103</b> IS AMENDED TO READ IN PART		
ROSEWOOD, OH VORTAC *4000 - MRA	*MAMLO, OH FIX	3000	ELKINS, WV VORTAC *3900 - MOCA	CLARKSBURG, WV VOR	*5000
<b>§95.6058 VOR FEDERAL AIRWAY 58</b> IS AMENDED TO READ IN PART			<b>§95.6113 VOR FEDERAL AIRWAY 113</b> IS AMENDED TO READ IN PART		
LAKE HENRY, PA VORTAC	KINGSTON, NY VORTAC	4000	NICER, NV FIX *10400 - MOCA	ROBUD, NV FIX	*12000
<b>§95.6068 VOR FEDERAL AIRWAY 68</b> IS AMENDED TO READ IN PART			<b>§95.6114 VOR FEDERAL AIRWAY 114</b> IS AMENDED TO READ IN PART		
DERIC, TX FIX VIA S-ALTER *4200 - MOCA	SAN ANGELO, TX VORTAC VIA S-ALTER	*5000	WRACK, LA FIX VIA N-ALTER *1700 - MOCA	CLUNK, LA FIX VIA N-ALTER	*5000
<b>§95.6076 VOR FEDERAL AIRWAY 76</b> IS AMENDED TO READ IN PART			<b>§95.6119 VOR FEDERAL AIRWAY 119</b> IS AMENDED TO READ IN PART		
EAGLE LAKE, TX VOR/DME VIA S-ALTER.	BLUMS, TX FIX VIA S-ALTER.	2100	HENDERSON, WV VORTAC *3500 - MRA	*JACEE, WV FIX	2700
BLUMS, TX FIX VIA S-ALTER.	HOBBY, TX VOR/DME VIA S-ALTER.	2400	JACEE, WV FIX	PARKERSBURG, WV VORTAC	2700
			GALLS, PA FIX *2800 - MOCA	OTOWN, PA FIX	*3700
<b>§95.6077 VOR FEDERAL AIRWAY 77</b> IS AMENDED TO READ IN PART			<b>§95.6121 VOR FEDERAL AIRWAY 121</b> IS AMENDED TO READ IN PART		
SAN ANGELO, TX VORTAC DES MOINES, IA VORTAC *4000 - MRA	ABILENE, TX VORTAC *MIXIN, IA FIX	3900 3000	FORT JONES, CA VORTAC *9100 - MOCA	BAYTS, OK FIX	*10000
MIXIN, IA FIX	NEWTON, IA VORTAC	3000			
<b>§95.6081 VOR FEDERAL AIRWAY 81</b> IS AMENDED TO DELETE			<b>§95.6128 VOR FEDERAL AIRWAY 128</b> IS AMENDED TO READ IN PART		
AMARILLO, TX VORTAC VIA W-ALTER	DALHART, TX VORTAC VIA W-ALTER	6000	KENLA, IN FIX VAGES, IN FIX *4000 - MRA **2300 - MOCA	VAGES, IN FIX *POTES, IN FIX	2600 **4000
<b>§95.6092 VOR FEDERAL AIRWAY 92</b> IS AMENDED TO READ IN PART			<b>§95.6139 VOR FEDERAL AIRWAY 139</b> IS AMENDED TO READ IN PART		
BELLAIRE, OH VORTAC *3100 - MOCA	GALLS, PA FIX	*3600	SEA ISLE, NJ VORTAC *2000 - MOCA	BRIGS, NJ FIX	*2500

FROM	TO	MEA	FROM	TO	MEA
<b>§95.6140 VOR FEDERAL AIRWAY 140</b> IS AMENDED TO DELETE			<b>§95.6198 VOR FEDERAL AIRWAY 198</b> IS AMENDED TO READ IN PART		
AMARILLO, TX VORTAC VIA N ALTER.	BRISC, TX FIX VIA N ALTER.	5300	EAGLE LAKE, TX VOR/DME	BLUMS, TX FIX	2100
BRISC, TX FIX VIA N ALTER.	SAYRE, OK VORTAC VIA N ALTER.	4800	BLUMS, TX FIX	HOBBY, TX VOR/DME	2400
<b>§95.6151 VOR FEDERAL AIRWAY 151</b> IS AMENDED TO READ IN PART			<b>§95.6203 VOR FEDERAL AIRWAY 203</b> IS AMENDED TO READ IN PART		
HYANNIS, MA VORTAC *1500 - MOCA	PROVIDENCE, RI VORTAC	*2000	NORWICH, CT VORTAC *3500 - MCA RUSEL FIX, NW BND **1800 - MOCA	*RUSEL, MA FIX	**3000
<b>§95.6153 VOR FEDERAL AIRWAY 153</b> IS AMENDED TO READ IN PART			ALBANY, NY VORTAC *3200 - MOCA	WAREN, NY FIX	*3700
LAKE HENRY, PA VORTAC	HANCOCK, NY VORTAC	4400	<b>§95.6214 VOR FEDERAL AIRWAY 214</b> IS AMENDED TO READ IN PART		
<b>§95.6157 VOR FEDERAL AIRWAY 157</b> IS AMENDED TO READ IN PART			BELLAIRE, OH VORTAC *3100 - MOCA	GALLS, PA FIX	*3600
OCALA, FL VORTAC	GAINESVILLE, FL VORTAC	2000	<b>§95.6218 VOR FEDERAL AIRWAY 218</b> IS AMENDED TO READ IN PART		
<b>§95.6159 VOR FEDERAL AIRWAY 159</b> IS AMENDED TO READ IN PART			PONTIAC, MI VORTAC	NOVIE, MI FIX	2800
OCALA, FL VORTAC VIA E ALTER.	GAINESVILLE, FL VORTAC VIA E ALTER.	2000	<b>§95.6265 VOR FEDERAL AIRWAY 265</b> IS AMENDED TO READ IN PART		
<b>§95.6166 VOR FEDERAL AIRWAY 166</b> IS AMENDED TO READ IN PART			HARRISBURG, PA VORTAC *2900 - MOCA	GRETA, PA FIX	*4000
CAPON, WV FIX *3500 - MOCA	MARTINSBURG, WV VORTAC	*5000 MAA-17500	AUDRY, PA FIX	RASHE, PA FIX	4000
<b>§95.6184 VOR FEDERAL AIRWAY 184</b> IS AMENDED TO READ IN PART			RASHE, PA FIX	PHILIPSBURG, PA VORTAC	4000
RASHE, PA FIX AUDRY, PA FIX	AUDRY, PA FIX GRETA, PA FIX	4000 4000	<b>§95.6267 VOR FEDERAL AIRWAY 267</b> IS AMENDED TO READ IN PART		
<b>§95.6188 VOR FEDERAL AIRWAY 188</b> IS AMENDED TO READ IN PART			JACKSONVILLE, FL VORTAC *1500 - MOCA	KICKS, GA FIX	*2000
GILLS, OH FIX *2400 - MOCA	JEFFERSON, OH VORTAC	*3000	<b>§95.6272 VOR FEDERAL AIRWAY 272</b> IS AMENDED TO READ IN PART		
<b>§95.6276 VOR FEDERAL AIRWAY 276</b> IS AMENDED BY ADDING			BORGER, TX VORTAC	BRISC, TX FIX	4800
U. S. CANADIAN BORDER *3100 - MOCA	ERIE, PA VORTAC	*8500	BRISC, TX FIX *4400 - MOCA	SAYRE, OK VORTAC	*5300

FROM	TO	MEA	FROM	TO	MEA
<b>§95.6280 VOR FEDERAL AIRWAY 280</b> IS AMENDED TO READ IN PART			<b>§95.6374 VOR FEDERAL AIRWAY 374—Continued</b>		
TEXICO, NM VORTAC *9500 - MRA **5500 - MOCA	*SIDER, TX FIX	**7000	FALMA, MA FIX	MARTHAS VINEYARD, MA VOR	*2000
<b>IS AMENDED TO DELETE</b>			<b>§95.6387 VOR FEDERAL AIRWAY 387</b> IS ADDED TO READ		
TEXICO, NM VORTAC VIA S ALTER *9500 - MRA **5500 - MOCA	*SIDER, TX FIX VIA S ALTER	**7000	U.S. MEXICAN BORDER	MC ALLEN, TX VOR	2000
SIDER, TX FIX VIA S ALTER	AMARILLO, TX VORTAC VIA S ALTER	6000	<b>§95.6407 HAWAII VOR FEDERAL AIRWAY 7</b> IS AMENDED TO READ IN PART		
<b>§95.6300 VOR FEDERAL AIRWAY 300</b> IS AMENDED TO READ IN PART			JOELE, HI FIX	ATINE, HI FIX	4000
U.S. CANADIAN BORDER *2400 - MOCA #MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.	AVALE, MI FIX	#*9000	<b>§95.6422 HAWAII VOR FEDERAL AIRWAY 22</b> IS AMENDED TO READ IN PART		
AVALE, MI FIX *2400 - MOCA	SAULT STE MARIE, MI VORTAC	*3000	MAUI, HI VORTAC *10500 - MCA BARBY FIX, SE BND	*BARBY, HI FIX	7000
<b>§95.6303 VOR FEDERAL AIRWAY 303</b> IS AMENDED TO READ IN PART			BARBY, HI FIX *1700 - MOCA	SARDS, HI FIX	*12000
HOT SPRINGS, AR VOR BLURB, AR FIX *4000 - MCA BLIMP FIX, SE BND **3600 - MOCA	BLURB, AR FIX *BLIMP, AR FIX	3500 **4500	<b>§95.6440 VOR FEDERAL AIRWAY 440</b> IS AMENDED BY ADDING		
<b>§95.6318 VOR FEDERAL AIRWAY 318</b> IS AMENDED TO READ IN PART			AMARILLO, TX VORTAC BRISC, TX FIX *4400 - MOCA	BRISC, TX FIX SAYRE, OK VORTAC	5300 *5300
HOULTON, ME VOR	U.S. CANADIAN BORDER	1900	<b>§95.6451 VOR FEDERAL AIRWAY 451</b> IS AMENDED TO READ IN PART		
<b>§95.6324 VOR FEDERAL AIRWAY 324</b> IS AMENDED TO READ IN PART			WHITMAN, MA VOR/DME *2500 - MCA TONNI FIX, N BND **1400 - MOCA	*TONNI, MA FIX	**2000
WORLAND, WY VOR	CHAPY, WY FIX E BND W BND	12000 8000 12000	<b>§95.6495 VOR FEDERAL AIRWAY 495</b> IS AMENDED TO READ IN PART		
CHAPY, WY FIX *9500 - MCA CRAZY WOMAN VORTAC, W BND	*CRAZY WOMAN, WY VORTAC		FORT JONES, CA VORTAC *9100 - MOCA	BAYTS, OR FIX	*10000
<b>§95.6374 VOR FEDERAL AIRWAY 374</b> IS AMENDED TO READ IN PART			BAYTS, OR FIX *10000 - MRA **7100 - MOCA	*PAPE, OR FIX	**10000
WACKY, RI FIX *1400 - MOCA	FALMA, MA FIX	*2100	<b>§95.6526 VOR FEDERAL AIRWAY 526</b>		

FROM	TO	MEA	FROM	TO	MEA
<b>§ 95.6526 VOR FEDERAL AIRWAY 526—Continued</b>					
IS AMENDED TO READ IN PART					
MUSKY, MI FIX	SOUTH BEND, IN VORTAC	2600			
<b>§ 95.6522 VOR FEDERAL AIRWAY 522</b>					
IS AMENDED TO READ IN PART					
ERIE, PA VORTAC	HAMIT, PA FIX	3000			
HAMIT, PA FIX	DUNKIRK, NY VORTAC	3300			
<b>§ 95.6007 VOR FEDERAL AIRWAY 7</b>					
IS AMENDED TO DELETE					
BRAIK, IL FIX VIA E ALTER. *3000-MRA **1700-MOCA	*STORY, IL FIX VIA E ALT.	**3000			

FROM	TO	MEA	MAA
<b>§ 95.7006 JET ROUTE NO. 6</b>			
IS AMENDED TO READ IN PART			
PRESCOTT, AZ VORTAC	12220, AZ	22000	45000
12220, AZ	ZUNI, NM VORTAC	18000	45000

<b>§ 95.7048 JET ROUTE NO. 48</b>			
IS AMENDED TO READ IN PART			
WESTMINSTER, MD VORTAC	RIFLE, PA FIX	18000	45000
RIFLE, PA FIX	FLYPI, PA FIX	23000	45000

<b>§ 95.7058 JET ROUTE NO. 58</b>			
IS AMENDED TO READ IN PART			
NEPTA, FL FIX	COVIA, FL FIX	#26000	45000
#MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE.			

2. By amending Sub-part D as follows:

### §95.8003 VOR FEDERAL AIRWAYS CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
<b>V-8</b>			
IS AMENDED BY ADDING			
MARTINSBURG, WV VORTAC	WASHINGTON, DC VOR/DME	29	MARTINSBURG
<b>V-23</b>			
IS AMENDED TO DELETE			
FORT JONES, CA VORTAC	MEDFORD, OR VORTAC	25	FORT JONES
<b>V-113</b>			
IS AMENDED BY ADDING			
RENO, NV VORTAC	SOD HOUSE, NV VORTAC	48	RENO

### §95.8005 JET ROUTES CHANGEOVER POINTS

AIRWAY SEGMENT		CHANGEOVER POINTS	
FROM	TO	DISTANCE	FROM
<b>J-58</b>			
IS AMENDED BY ADDING			
NEW ORLEANS, LA VORTAC	SARASOTA, FL VORTAC	158	NEW ORLEANS

SECURITIES AND EXCHANGE  
COMMISSION

## 17 CFR Part 200

[Release No. 34-19815]

Delegation of Authority to Director of  
Division of Market RegulationAGENCY: Securities and Exchange  
Commission.

ACTION: Final rule.

**SUMMARY:** The Commission is amending its rules governing the delegation of authority to permit the Director of the Division of Market Regulation to exempt registered national securities exchanges from the periodic filing requirements imposed by Rule 6a-2 under the Securities Exchange Act of 1934 (the "Act") with respect to certain exchange affiliates and subsidiaries.

EFFECTIVE DATE: June 2, 1983.

**FOR FURTHER INFORMATION CONTACT:** Alden Adkins, Esq., Division of Market Regulation (202) 772-2418.

**SUPPLEMENTARY INFORMATION:** The Commission has today announced the amendment, effective immediately, to Rule 6a-2 and related Forms 1 and 1-A under the Act (17 CFR 249.1 and 17 CFR 249.1a), the forms for application for registration as a national securities exchange and for periodic amendments thereto. Among the amendments adopted is a change to Rule 6a-2 that gives the Commission the authority to exempt national securities exchanges from filing certain exchange affiliate and subsidiary information.

The Commission also today announced the amendment of its rules governing the delegation of authority to the Director of the Division of Market Regulation (17 CFR 200.30-3) with respect to the Securities Exchange Act of 1934 (15 U.S.C. 78a, *et seq.*, as amended). The new amendment authorizes the Director of the Division of Market Regulation to grant the exemptions now provided for in Rule 6a-2. The Commission finds, in accordance with the Administrative Procedure Act ("APA") [5 U.S.C. 553(b)(3)(B)] that this amendment relates solely to agency organization, procedure and practice and that notice and procedure under the APA are not necessary. This action, taken pursuant to 15 U.S.C. 78d-1, as amended, becomes effective immediately upon publication in the Federal Register.

## List of Subjects in 17 CFR Part 200

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

## Text of Amendment

The Securities and Exchange Commission pursuant to the Act, and particularly Sections 2, 12 and 23 (15 U.S.C. 78b, 78f, and 78n), thereof, and the Delegation of Functions Act, 15 U.S.C. 78d-1, hereby adopts an amendment to § 200.30-3(a).

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

The Commission hereby amends § 200.30-3, 17 CFR Chapter II by adding paragraph (a)(41) to read as follows:

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

• • • • •  
(a) \* \* \*  
(41) Pursuant to Rule 6a-2(c) (§ 240.6a-2 of this chapter) to exempt registered national securities exchanges from the filing requirements imposed by Rule 6a-2 with respect to certain affiliates and subsidiaries of the exchange.  
• • • • •

Dated: May 26, 1983.

By the Commission.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-14824 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

## 17 CFR Parts 240 and 249

[Release No. 34-19814; File No. S7-937]

Registration as a National Securities  
Exchange; Revision of Rule 6a-2,  
Forms 1 and 1-A Under the Securities  
Exchange Act of 1934AGENCY: Securities and Exchange  
Commission.

ACTION: Final rule.

**SUMMARY:** The Commission has adopted amendments to the form for applications for, or exemption from, registration as a national securities exchange, and the form for amendments to and/or supplementation of such registration or exemption statements. The amendments are designed principally to eliminate obsolete and duplicative filing requirements and generally to bring these forms into conformity with the Securities Exchange Act of 1934, as amended in 1975. The Commission also has adopted amendments to its rule requiring national securities exchanges to file annual amendments or exemption

statements to their registration. The rule amendments are necessitated by the changes to the form on which data pursuant to Rule 6a-2 is filed with the Commission.

EFFECTIVE DATE: June 2, 1983.

**FOR FURTHER INFORMATION CONTACT:** Alden Adkins (202) 772-2418, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549.

**SUPPLEMENTARY INFORMATION:** The Commission today adopted amendments to Rule 6a-2 [17 CFR Part 240]; and Forms 1 [17 CFR 249.1] and 1-A [17 CFR 249.1a] under the Securities Exchange Act of 1934 (the "Act"). These amendments relate to proposals that were published for comment in June 1982.<sup>1</sup> The comments received on the proposals were generally favorable. Several changes have been made in the proposals in response to comments. This release focuses primarily on the changes made from the proposals and the basis for such revisions. Readers are directed to the text of the amendments and to the proposing release for further information concerning the amendments.

## I. Background

Section 5 (15 U.S.C. 78e) of the Act generally prohibits securities transactions on an exchange unless the exchange is registered with the Commission pursuant to Section 6 of the Act (15 U.S.C. 78f) or is specifically exempted from registration by the Commission. Section 6 sets forth the conditions for exchange registration, in a form prescribed by the Commission, that contains the rules of the exchange and any other information and documents deemed necessary or appropriate by the Commission.<sup>2</sup>

Pursuant to Section 6, the Commission adopted Rule 6a-1 (17 CFR 240.6a-1) and Rule 6a-2 (17 CFR 240.6a-2).<sup>3</sup> Rule 6a-1 generally requires an applicant for registration as a national securities exchange, or for exemption from registration, to file an application with the Commission on Form 1 together with accompanying exhibits.<sup>4</sup> Rule 6a-2

<sup>1</sup> Securities Exchange Act Release No. 34-18843, June 25, 1982 (the "Proposing Release") 47 FR 29259 [July 6, 1982].

<sup>2</sup> Pursuant to Section 6(b) of the Act, the Commission may not grant registration unless it makes the findings contained therein.

<sup>3</sup> Securities Exchange Act Release No. 4383 [January 1, 1950], 14 FR 7759 (December 29, 1949).

<sup>4</sup> Rule 6a-1 also requires an exchange, promptly after discovering that any information in its statement or any exhibit or amendment thereto was inaccurate when filed, to file with the Commission an amendment (on Form 1-A) correcting such inaccuracy.

generally requires each registered or exempted exchange to update its statement by filing an annual amendment on Form 1-A, setting forth any changes in the information contained in the statement or in specified exhibits which have not been reported previously in an amendment.

Forms 1 and 1-A were last amended on January 1, 1950, simultaneously with the adoption of Rules 6a-1 and 6a-2. Since that time, the enactment of the Securities Act Amendments of 1975 ("1975 Amendments")<sup>5</sup> has altered significantly the regulatory scheme applicable to national securities exchanges, and technological advances have greatly changed the manner in which securities exchanges operate. In addition, as a result of its experience in administering Rules 6a-1 and 6a-2 and reviewing Forms 1 and 1-A, the Commission found that certain of the information currently required by the forms either duplicates information that is otherwise available to the Commission or imposes collection and reporting burdens on exchanges that outweigh the value of the information provided. The Commission, therefore, proposed amendments that would update the rules and forms and eliminate any unnecessary and unjustified requirements. The Commission believes that the regulations adopted today will reduce the burdens associated with both the preparation by exchange officials and the review by Commission staff of Forms 1 and 1-A.

## II. Overview of Comments

The Commission received five comment letters concerning these proposed amendments; all five were sent by national securities exchanges.<sup>6</sup> Several of the comment letters commended the Commission efforts to reduce the exchanges' registration and reporting burdens. In addition, the commentators all suggested ways in which they believed the proposals should be changed. The specific comments and suggestions focused primarily on two areas: (1) the annual financial statements required to be submitted under Exhibits E and F to Form 1; and (2) the proposal to require the exchanges to submit complete copies of their own and their affiliates' rules

each year. Rule 6a-2 and Forms 1 and 1-A have been changed in response to these comments. These comments are discussed in detail below.

### III. Discussion

#### (1) Annual Financial Statements: Exhibits E and F

As proposed, the exchanges would have been required to submit separate audited annual financial statements for the exchange (proposed Exhibit E) and each of its affiliates and subsidiaries (proposed Exhibit F). Currently the exchanges are required to submit separate annual financial statements for the exchange (current Exhibit E), and each of its affiliates and subsidiaries (current Exhibit F), but they need not be audited. The commentators uniformly opposed the proposed requirement that the separate financial statements of exchange affiliates and subsidiaries be audited,<sup>7</sup> suggesting that the additional cost of compliance with such a requirement would outweigh any benefit to the Commission in increased oversight capability.<sup>8</sup> In addition, one commentator noted that separate financial statements for affiliates such as SIAC are submitted to the Commission pursuant to other sections of the Act and so should not have to be submitted by the exchange under Form 1-A.<sup>9</sup>

The Commission continues to believe that an auditing requirement is justified and indeed necessary in order for the Commission to carry out its oversight of the exchanges. The Commission also continues to believe that separate financial statements for the exchange and each of its affiliates and subsidiaries are necessary to the Commission's

<sup>5</sup> One exchange also stated that disclosure of the separate financial statements of the exchange would cause it competitive injury and that it will seek confidential treatment for such financial statements if the Commission continues to require their submission. See letter dated October 25, 1982, from J. Craig Long, MSE, to George Fitzsimmons, SEC (the "MSE letter"). The Commission will, of course, consider any request for confidential treatment of documents required under Rule 6a-2 when and if such requests are actually made; it feels, however, that, while there conceivably could be rare occasions when confidential treatment is appropriate for particular exchange documents filed under Rule 6a-2 in any particular year, a grant of confidential treatment to an entire class of exchange documents required by Rule 6a-2 is neither appropriate nor necessary.

<sup>6</sup> The PSE estimated that it would incur an additional cost of \$20,000/year in complying with this requirement, and NYSE estimated that its incremental costs associated with this requirement would be in excess of \$50,000. See letter dated September 9, 1982, from Karen A. Wendell, PSE, to George A. Fitzsimmons, SEC ("PSE letter"); and letter dated September 13, 1982, from James E. Bock, NYSE, to George Fitzsimmons, SEC ("NYSE letter").

<sup>7</sup> See the NYSE letter.

oversight of the exchanges. However, it agrees with the commenters that the cost of providing separate audited statements for the exchange and each of its affiliates and subsidiaries may be substantial.

The Commission, therefore, is modifying Exhibits E and F to allow the exchanges to submit audited consolidated financial statements (Exhibit E)<sup>10</sup> and unconsolidated financial statements for the exchange and its affiliates and subsidiaries (Exhibit F).<sup>11</sup> The Commission believes that these modifications allow the Commission to receive the materials necessary to its oversight function without imposing upon the exchanges any unreasonable additional costs.<sup>12</sup>

In response to the suggestion that some affiliates are already required to submit financial statements under another Commission rule, the Commission is excepting from Exhibit F any affiliate that files with the Commission under another Commission rule an annual financial statement meeting the requirement of Exhibit F.<sup>13</sup>

<sup>10</sup> The financial statements required under Exhibit E are the same as those described in the proposal, i.e., they must be for the latest fiscal year, prepared in accordance with generally accepted accounting principles, and covered by a report prepared by an independent public accountant.

<sup>11</sup> If an exchange has no affiliates it must file an audited financial statement under Exhibit E but need not file anything in response to Exhibit F.

<sup>12</sup> The financial statements required under Exhibit F need not be prepared in accordance with generally accepted accounting principles or be covered by a report prepared by an independent public accountant. Such financial statements must, at a minimum, consist of a balance sheet and an income statement, and must include such footnotes and other disclosures as are necessary to avoid rendering the statements misleading.

<sup>13</sup> The exchanges should note that the Exhibit describes the minimum requirements for financial statements submitted thereunder; the exchanges may submit financial statements that exceed these requirements (e.g., because they already prepare such financial statements).

<sup>14</sup> All the exchanges that have affiliates or subsidiaries already prepare audited consolidated financial statements and all but one of the other exchanges already prepare audited financial statements. The one exchange that did not prepare an audited consolidated financial statement was the Spokane Stock Exchange (SSE), which, having no affiliates or subsidiaries, submitted an unaudited financial statement for the exchange alone.

Thus, the only new costs required by Exhibit E, as adopted, is the cost to SSE of having its financial statements audited. SSE did not comment on the proposal. The Commission believes that such additional costs are small and far outweighed by the benefits offered by audited consolidated financial reporting.

Exhibit F, as adopted, represents a consolidation of existing Exhibits E and F, with certain affiliates excepted for exempted (see below). Thus, no new burden is imposed by Exhibit F, as adopted. Indeed, with these new exceptions, the exchanges' reporting burden with respect to their affiliates' financial condition has been substantially reduced.

<sup>15</sup> See text of Exhibit F as adopted. Rule 17a-22 under the Act, 17 CFR 240.17a-22, requires any

<sup>5</sup> Pub. L. No. 94-29 (June 4, 1975).

<sup>6</sup> Letters were received from the American Stock Exchange, Inc. (Amex); the Boston Stock Exchange, Inc. (BSE); the Midwest Stock Exchange, Inc. (MSE); the New York Stock Exchange, Inc. (NYSE); and the Pacific Stock Exchange, Inc. (PSE). Copies of the letters of comment are available for public inspection and copying at the Commission's Public Reference Room (See File No. S7-937).

Rule 6a-2 also has been modified for this exception; specifically, a new last sentence has been added to renumbered paragraph (a)(2) of Rule 6a-2 to prescribe the reporting in annual amendments of any change (or no change) in the status of an exempted affiliate.

#### (2) Submission of the Constitution, By-Laws and Rules of the Exchange and Its Affiliates

In the proposing release the Commission proposed amending Rule 6a-2 to require the exchange to submit complete Exhibits A(1), A(2) and A(3) annually to the Commission.<sup>14</sup> Since several of the exchanges periodically have published updated versions of their rules, it was felt that this would impose a minimal burden on the exchanges. Four of the five commentators, however, objected to this requirement.<sup>15</sup>

The Commission agrees that the annual submission of the information required by Exhibits A(1), A(2) and A(3) is unnecessary, especially in view of the fact that 19(b) of the Act requires the

registered clearing agency to file with the Commission materials it sends to participants. Any clearing agency whose rules require it to send annual financial statements to its participants is, thus, required to file such statements with the Commission, and is, therefore, exempted from Exhibit F under this provision. There are currently seven such registered clearing agencies (Pacific Securities Depository Trust Company (PSDTC), Pacific Clearing Corporation (PCC), Midwest Securities Trust Corporation (MSTC), Midwest Clearing Corporation (MCC), Depository Trust Company (DTC), National Securities Clearing Corporation (NSCC) and Philadelphia Depository Trust Company (PDDTC)). In addition, three other exchange affiliated clearing agencies (Boston Stock Exchange Clearing Corporation (BSECC), Stock Clearing Corporation of Philadelphia (SCCP) and Options Clearing Corporation (OCC)) will soon adopt rules requiring them to send financial statements to their participants pursuant to the standards for full clearing agency registration. See Securities Exchange Act Release No. 16900 (June 17, 1980) 45 FR 41920 (June 23, 1980). OCC is already required to submit annual financial statements to the Commission; as issuer of exchange-traded options, it is required to annually amend its registration statement for these options.

The Commission notes, however, that registered securities information processors ("SIPs") are not currently required to submit annual financial statements to the Commission, and so would not qualify for this exception. Three of the four registered SIPs, however (Securities Information Automation Corporation (SIAC), Consolidated Tape Association (CTA) and Options Price Reporting Association (OPRA)) are common affiliates, so that some of their parent exchanges may be exempted under the exemptive authority discussed below.

<sup>14</sup> Exhibit A(1) covers submission of the constitution, charter, by-laws and rules ("rules") of the exchange; Exhibit A(2) covers written rulings, settled practices and interpretations of the Governing Board or other committee of the exchange with respect to the rules; and Exhibit A(3) covers the rules of affiliates and subsidiaries of the exchange.

<sup>15</sup> See letters of Amex, BSE, MSE and NYSE.

exchanges to submit all proposed rule changes to the Commission. The Commission, therefore, is amending Rule 6a-2 to require the submission of complete Exhibits A(1), A(2) and A(3) once every three years.<sup>16</sup>

#### (3) Exemptive Authority With Respect to Certain Affiliates

One commentator suggested that exchanges with common affiliates be permitted to designate one exchange from among them to file with the Commission any information concerning such affiliates required by Rule 6a-2.<sup>17</sup> In addition, one commentator suggested that exchanges should not be required to submit financial statements for "essentially inactive" subsidiaries.<sup>18</sup> In response to these comments, the Commission has added new paragraph (c) to Rule 6a-2 to give the Commission exemptive authority so that only one exchange would have to comply with the periodic filing requirements of Rule 6a-2 with respect to any common affiliate of two or more exchanges (6a-2(c)(1)),<sup>19</sup> and to exempt an exchange from making periodic filings with respect to any "inactive subsidiary" (6a-2(c)(2)).<sup>20</sup> In addition, the Commission is adopting in a separate release amendments to its rules to delegate to the Director of the Division of Market Regulation the authority to grant such exemptions.<sup>21</sup>

<sup>16</sup> See Rule 6a-2(b) as adopted. In conjunction with this change, the word "Annual" in the title to Rule 6a-2 is being replaced by the word "Periodic." In addition, the subparagraphs in Rule 6a-2 have been renumbered and relettered.

<sup>17</sup> See letter, dated September 3, 1982, from Richard O. Scribner, Executive Vice President, Amex, to George Fitzsimmons, Secretary, SEC.

<sup>18</sup> See NYSE letter.

<sup>19</sup> The periodic reporting requirements respecting exchange affiliates are found in Exhibits A(3) (Chapter, By-Laws and Rules), F (financial statements), and H (officers and directors).

According to the most recently filed Forms 1-A, there are seven exchange affiliates that might qualify for this exemption: OCC, DTC, NSCC, SIAC, CTA, CQA and OPRA. The first three are required to file financial statements under another Commission rule and so are otherwise exempted from Exhibit F. See note 13, above.

<sup>20</sup> While "inactive subsidiary" is not defined for purposes of this provision, the Commission expects to consider a subsidiary to be inactive only if it has little or no income and liabilities and, thus, does not have the potential to have an impact on the financial condition of the exchange. Unlike the exception for affiliates and subsidiaries that are required by another Commission rule to submit annual financial statements, the exemptions for inactive subsidiaries will not be available to exchanges submitting the complete registration statements on this year's Form 1-A. This is because an exchange would have to submit information equivalent to that which would be eliminated by the exemption in order to show that a subsidiary is inactive.

<sup>21</sup> Securities Exchange Act Release No. 19815 (May 26, 1983).

#### (4) Item 9 of the Registration Statement (Form 1)

The only other specific suggestion made in response to the Proposing Release was that the categories of floor members listed in Item 9 should be defined. This commentator also suggested that the instructions should clarify how to count individuals who may be engaged in more than one of the categories of floor activity.<sup>22</sup>

The purpose of Item 9 is to obtain annually an idea of the general composition of the exchange's floor member community. While it might be desirable to define each category, the Commission believes that it is not necessary or appropriate to do so for purposes of this form, particularly given the substantial likelihood that the nature of the activities of the various categories of members will change over time. We believe that any interpretive questions the exchanges may have can best be resolved informally and flexibly through discussions with the Commission staff as the need arises.

In response to MSE's second suggestion, the Commission has added to the footnote to Item 9 an explanation of when a member is considered to be "engaged primarily" in an activity or function; this explanation makes clear that ordinarily no member will be counted under two different categories under Item 9.

#### (5) Summary of Other Revisions

Except as discussed above, the Commission is adopting the amendments to Forms 1 and 1-A as proposed in the Proposing Release. These amendments are: (i) deletion from Form 1 of current Items 5, 10-15, 17-18, and 20, all of which are designed to elicit information about the exchange that generally is included in the rules of the exchange; (ii) an amendment to renumbered Item 7 that requires that the exchange provide the information requested with respect to any affiliate or subsidiary that ceased to be associated with the exchange during the previous year; (iii) amendments to renumbered Item 8 to reflect changes in the types of functions performed by exchange members as well as the development of new categories of membership; (iv) deletion of current Item 19, which seeks information that is reported elsewhere; (v) deletion of Items 21 and 22, which solicit agreements by the exchange/registrant that have been rendered obsolete by the 1975 Amendments; (vi) amendments to Exhibit B to Form 1 to delete paragraph (2), which has been

<sup>22</sup> See the MSE letter.

made redundant by the 1975 Amendments; to consolidate paragraphs (3) and (4) into a new paragraph (2); and to delete paragraph (5), which was rendered obsolete by the 1975 Amendments; (vii) amendments to Exhibit G to require information about any officers, governors or committee members of the exchange who resigned or were terminated during the covered year; (viii) amendment to Exhibit J to delete paragraph (4), which requires that the exchange provide a list of the partners, officers or directors of each member firm of the exchange; (ix) adoption of a new Exhibit M, to require information about securities admitted to trading on the exchange subject to an exemption from registration under Section 12(a) of the Act; (x) amendments to instruction numbers 3 and 4 of Form 1, and numbers 2 and 4 of Form 1-A, to require the use of 8 1/2 by 11 inch paper; and (xi) adoption of a footnote to Exhibits B, C and D to require tables of contents for these exhibits.

#### IV. 1983 Submissions

In the Proposing Release, the Commission stated that it intended to request, pursuant to Rule 6a-1(d), that each exchange file as its 1983 Form 1-A annual amendment a complete new registration statement and all exhibits that are prescribed to be filed in connection therewith. For the reasons stated in the proposing release, the Commission is now making this request.<sup>23</sup>

#### V. Regulatory Flexibility Act Status

The Chairman of the Commission has certified that the proposed amendments to Forms 1 and 1-A and Rule 6a-2 would not have a significant economic impact

<sup>23</sup> One commentator suggested that this requirement will be "somewhat burdensome." See NYSE letter. The Commission does not believe that this will impose a significant burden on the exchanges. Each exchange would, in preparing its 1983 annual amendments, be required to submit certain exhibits in full anyway (Exhibits A(1), A(2), A(3), and E-M). In addition, the exchanges would be required to review the other exhibits and the body of the registration statement to see if there have been any changes to the information contained in those items and exhibits that have to be reported under Rule 6a-2(a)(1). Thus, preparing an entirely new form will not require the exchanges to seek out or generate any information or material they already would not have to seek out in the process of completing their annual amendments. Finally, the exchanges will be required to amend, and submit as amended on this year's Form 1-A, almost every item and exhibit to Form 1-A because of the changes being adopted today. Thus, the requirement of preparing and submitting only for 1983 an entirely new registration statement, with exhibits, imposes at most a minor clerical burden on the exchanges. This burden is outweighed by the Commission's interest in having available a complete registration statement against which future exchange submissions of revised Form 1-A may be compared.

on a substantial number of small entities. No comments were received on this aspect of the proposal.

#### VI. Statutory Authority and Findings

The Commission hereby adopts proposed amendments with the modifications described above to Forms 1 and 1-A and to Rule 6a-2 pursuant to its authority under the Securities Exchange Act of 1934 [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)], and particularly Sections 3, 5, 6, 17, 19 and 23 thereof [15 U.S.C. 78, 78e, 78f, 78g, 78s and 78w]. The Commission finds that these amendments are intended to bring the Forms and rule into conformity with the Act, as revised by the 1975 Amendments, to update their contents to better represent the current trading environment, and to eliminate obsolete and duplicative requirements. As required by Section 23(a) of the Act, the Commission has considered the impact that these rulemaking actions would have on competition and has concluded that they would impose no significant burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Pursuant to Rule 6a-1(d) the Commission finds that, because of the adoption of these amendments, the number of amendments to be filed in the registered national securities exchanges' annual amendments to their registration statements will be so great that the purpose of clarity will be promoted by the filing of a complete new registration statement, and all exhibits prescribed to be filed therewith, by each exchange as its 1983 Form 1-A.

#### List of Subjects in 17 CFR Parts 240 and 249

Reporting and recordkeeping requirements. Securities.

#### VII. Text of Amendments

Accordingly, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

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

1. By revising § 240.6a-2 to read:

**§ 240.6a-2 Periodic amendments to registration statements or exemption statements of exchanges.**

(a) Unless exempted pursuant to paragraph (c) of this section, on or before June 30 of each year, each exchange registered as a national securities exchange or exempted from such registration shall file an annual amendment setting forth:

(1) All changes, and the effective dates thereof, which have been effected in any of the information contained or incorporated in the statement, or in Exhibits B, C and D, and which have not previously been reported in an annual amendment. Such amendment shall bring the statement and Exhibits B, C and D up to date as of the latest practicable date within one month of the date on which the amendment is filed. In the event that no changes have occurred in any of this material during the period covered by the amendment, a statement to that effect shall be set forth in the amendment.

(2) Complete Exhibits E and F as of the end of the latest fiscal year of the exchange, or, in the case of the unconsolidated financial statements of an affiliate or subsidiary required under Exhibit F, as of the end of the latest fiscal year of such affiliate. In the event that no change has occurred in the status of an affiliate or subsidiary listed in a previous Exhibit F as one that is required by another Commission rule to file annual financial statements equivalent to those described in Exhibit F, a statement to that effect shall be included.

(3) Complete exhibits G, H, I, J, K, L and M. The information contained in these exhibits shall be up to date as of the latest practicable date within 3 months of the date on which the annual amendment is filed.

(b) Unless exempted pursuant to paragraph (c) of this rule, on or before June 30, 1983, and every three years thereafter each exchange registered as a national securities exchange shall file complete Exhibits A(1), A(2), and A(3) to its registration statement. The information contained in these exhibits shall be up to date as of the latest practicable date within three months of the date on which these exhibits are filed.

(c) The Commission may exempt a national securities exchange from making the periodic amendments required by this rule for any affiliate or subsidiary listed in response to Item 7 of the exchange's registration statement, as amended, that either (1) is listed in response to Item 7 of the registration statement, as amended, of one or more other national securities exchanges; or (2) was an inactive subsidiary throughout the subsidiary's latest fiscal year. The Commission may grant such exemptions upon such terms and conditions as it deems are necessary and appropriate for the protection of investors and the public interest, provided, however, that at least one national securities exchange shall be

required to make the periodic amendments required by this rule for an affiliate or subsidiary described in (c)(1) of this section.

## PART 249—FORM, SECURITIES EXCHANGE ACT OF 1934

### § 249.1 [Amended]

2. By revising Form 1 in § 249.1 to read as follows:

(Form 1 does not appear in the Code of Federal Regulations)

#### Securities and Exchange Commission

Washington, D.C.

Form 1

#### Application for Registration or Exemption From Registration as a National Securities Exchange

On the basis of the attached statement and exhibits, the undersigned hereby applies for registration\* exemption from registration\* as a national securities exchange, pursuant to Section 6 of the Securities Exchange Act of 1934 and the rules and regulations thereunder.

Exchange  
By Name \_\_\_\_\_ Title \_\_\_\_\_  
Date \_\_\_\_\_  
(SEAL)  
Attest: Name \_\_\_\_\_ Title \_\_\_\_\_

#### Instructions for Form 1 and Accompanying Statements and Exhibits

1. Form 1 and the accompanying statement and exhibits shall be filed in duplicate, each of which shall be signed and attested by duly authorized officials of the exchange.

2. An exchange may use the printed Form 1 and statement. If the space provided in the statement for an answer to any item is insufficient, the answer may be typed on a separate insert page or pages which shall be incorporated into the statement by reference thereto in the space provided for the item.

3. If the exchange does not use the printed Form 1 and statement it shall type or print a complete Form 1 and statement containing both the items in each and the answers thereto. Form 1 and the accompanying statement and exhibits shall be typed or printed on good quality 8½ × 11 inch white paper and shall have a margin of at least 1½ inches on the left.

4. If the information called for by any exhibit is available in printed form, the printed material may be used provided it does not exceed 8½ × 11 inches in size.

5. If any item of the statement is inapplicable, a statement to that effect shall be made following the item. If any exhibit called for is inapplicable, a statement to that effect shall be furnished in lieu of such exhibit.

6. All answers to items of the statement shall be stated as briefly as completeness will permit, and may be expanded upon or qualified by reference to applicable pages, articles, sections or paragraphs of any exhibit.

\*Strike out inapplicable words.

#### STATEMENT

#### Securities and Exchange Commission

Washington, D.C.

Statement to be Filed in Connection With an Application for Registration or Exemption From Registration as a National Securities Exchange under the Securities Exchange Act of 1934.

#### Organization

1. State the exact name of the exchange;  
2. State the address and telephone number of the exchange;

3. (a) State the form of organization of the exchange: (e.g., association, corporation, etc.)

(b) State the date of organization in present form. If originally organized in another form also give date and form of original organization;

(c) Name the state and provide reference to any statute thereof under which the exchange is organized;

(d) State the name of each exchange which has been merged into, absorbed by, or consolidated with the subject exchange since September 1, 1934, giving the date when each merger, absorption, or consolidation occurred;

4. State the date upon which the fiscal year of the exchange ends;

5. State the name and address of counsel for the exchange;

6. State the name and address of the person hereby authorized to receive service of process and notices on behalf of the exchange;

7. For each organization which during the previous year has been affiliated with or subsidiary to the exchange, either directly or indirectly, through security ownership, joint membership or otherwise, provide the following information:

(a) Name and address of the organization;

(b) Form of organization: (e.g., association, corporation, etc.)

(c) Name of state and reference to any statute thereof under which organized;

(d) Date of organization in present form;

(e) Brief description of the nature and extent of affiliation;

(f) Brief description of its business or functions;

(g) Name of any of the organizations identified above which ceased to be associated with the exchange during the previous year, and a brief statement of the reasons for the termination of the association;

8. State the classes of membership (e.g., full membership, associate membership, physical access membership, electronic access membership, etc.) and indicate the number of members in each category.

9. State as nearly as practicable the number of persons who are (a) engaged primarily in the following activities or functions on or through the facilities of the exchange:<sup>1</sup>

- (1) Floor brokers;
- (2) Specialists;
- (3) odd lot dealers;
- (4) other market makers;
- (5) proprietary traders (on the exchange floor);
- (6) inactive or other function;
- (b) State the estimated average total number of members in attendance at security trading sessions:

#### Exhibits

Exhibits to be filed in connection with (i) an Application for Registration or Exemption from Registration as a National Securities Exchange pursuant to Section 6 of the Securities Exchange Act of 1934 and Rule 6a-1 thereunder, or (ii) a Periodic Amendment pursuant to Rule 6a-2.<sup>2</sup>

Exhibit A(1)—A copy of the constitution, articles of incorporation or association with all amendments thereto, and of existing by-laws or rules or instruments corresponding thereto, whatever the name, of the exchange.

Exhibit A(2)—A copy of all written rulings, settled practices having the effect of rules, and interpretations of the Governing Board or other committee of the exchange in respect of any of the provisions of the constitution, by-laws, rules or trading practices of the exchange, which are not included in the material submitted under Exhibit A(1).

Exhibit A(3)—A copy of the constitution, articles of incorporation or association with all amendments thereto, and of existing by-laws or rules or instruments corresponding thereto, whatever the name, of each affiliate and subsidiary listed in answer to Item 7 of the Statement.

Exhibit B—A complete set of all forms<sup>3</sup> pertaining to:

- (1) Application for membership<sup>4</sup> in the exchange.
- (2) Application for approval as a person associated with a member<sup>5</sup> of the exchange.
- (3) Matters similar to any of the foregoing.

Exhibit C—A complete set of all forms of financial statements, reports or questionnaires required of members, relating to such matters as members' financial responsibility or minimum capital requirements.

Exhibit D—A complete set of documents, comprising the exchange's listing applications, including the agreements required to be executed in connection therewith, and a schedule of listing fees.

Exhibit E—For the latest fiscal year of the exchange, audited consolidated financial statements which (1) are prepared in

trader, Registered Competitive Trader and Registered Competitive Market Maker) and state the number of members in each.

<sup>1</sup>If any exhibit called for is inapplicable, a statement to that effect shall be furnished in lieu of such exhibit.

<sup>2</sup>Provide separate tables of contents listing (by title and/or number) the forms included in Exhibits B, C, and D.

<sup>3</sup>The terms "member" and "membership" are used interchangeably, unless the context otherwise requires "member" has the same meaning as that provided in Section 3(a)(3)(A) of the Act.

<sup>4</sup>The term "person associated with a member" has the same meaning as that provided in Section 3(a)(18) of the Act.

<sup>1</sup>A person shall be considered to be "engaged primarily" in an activity or function for purposes of this item when that activity or function is the one in which that person is principally engaged. Where more than one type of person engages in any of the six types of activities or functions enumerated in this item, identify each such type (e.g., proprietary

accordance with generally accepted accounting principles, and (2) are covered by a report prepared by an independent public accountant.<sup>6</sup>

**Exhibit F**—For the latest fiscal year, unconsolidated financial statements of the exchange and each of its affiliates and subsidiaries listed in Item 7 of the statement, and any amendments thereto, which financial statements, at a minimum, shall consist of a balance sheet and an income statement with such footnotes and other disclosures as are necessary to avoid rendering the financial statements misleading; provided, however, that if any such affiliate or subsidiary is required by another Commission rule to submit annual financial statements equivalent to those described herein, a statement to that effect, with a citation to such other Commission rule, may be included in lieu of the financial statements required hereunder.

**Exhibit G**—A list of the present officers, governors, members of all standing committees,<sup>7</sup> or persons performing functions similar to any of the foregoing, whatever their title or technical status may be, of the exchange, who presently hold or have held their offices or positions during the previous year, indicating for each:

- (1) Name.
- (2) Title.
- (3) Dates of commencement and termination of term of office or position.
- (4) Length of time each has held the same office or position.
- (5) Type of business in which each is primarily engaged (e.g., floor broker, specialist, odd-lot dealer, etc.)

**Exhibit H**—A list of the present officers, directors, members of all standing committees or persons performing functions similar to any of the foregoing, whatever their title or technical status may be, of each affiliate and subsidiary listed in answer to Item 7 of the Statement, indicating for each:

- (1) Name.
  - (2) Title.
- Exhibit I**—A list as of latest practicable date<sup>8</sup> alphabetically arranged of all individual members of the exchange indicating for each:<sup>9</sup>
- (1) Name.
  - (2) Date of election to membership.
  - (3) Name of firm with which he is associated and his relationship thereto (e.g., partner, officer, director, employee).
  - (4) Business address.

**Exhibit J**—A list as of latest practicable date alphabetically arranged of all member organizations of the exchange indicating for each:

<sup>6</sup> If an exchange has no consolidated subsidiaries, it shall file audited financial statements under Exhibit E for the exchange alone, and need not file a separate unaudited financial statement for the exchange under Exhibit F.

<sup>7</sup> For Exhibits G and H, group members of each standing committee together.

<sup>8</sup> For Exhibits I, J, K, L and M, indicate the date as of which each list or schedule is prepared.

<sup>9</sup> For Exhibits I and J, if more than one class of membership is provided for by the constitution and rules of the exchange, either (1) list separately accordingly to class; or (2) indicate the class of membership applicable.

- (1) Name.
- (2) Form of organization (e.g., sole proprietorship, partnership, corporation, etc.).
- (3) Principal place of business and telephone number.
- (4) The individual(s) whose membership it uses.

**Exhibit K**—A schedule of securities listed on the exchange indicating for each:

- (1) Name of issuer.
- (2) Description of security.

**Exhibit L**—A schedule of securities admitted to unlisted trading privileges on the exchange showing for each:

- (1) Name of issuer.
- (2) Description of security.

**Exhibit M**—A schedule of unregistered securities admitted to trading on the exchange which are exempt from registration under Section 12(a) of the Act, indicating for each:

- (1) Name of issuer.
- (2) Description of security.
- (3) Specific statutory exemption claimed (e.g., Rule 12a-6).

#### § 249.1a [Amended]

3. By revising Form 1-A in § 249.1a to read as follows:

(Form 1-A does not appear in the Code of Federal Regulations)

#### Securities and Exchange Commission

Washington, D.C.

#### Form 1-A

#### Amendment to an Application for Registration or Exemption From Registration as a National Securities Exchange

Amendment No. \_\_\_\_\_

Designate the type of amendment as follows: Periodic Amendment (Rule 6a-2) period covered \_\_\_\_\_ to \_\_\_\_\_

[ ] Other Amendment (Rule 6a-1 (c) to (d) [ ]

The undersigned exchange hereby submits the attached material as amendment to its application for registration\* exemption from registration\* as a national securities exchange in respect of the items and/or exhibits listed below:

Exchange \_\_\_\_\_  
By Name \_\_\_\_\_ Title \_\_\_\_\_  
Date \_\_\_\_\_  
(Seal)  
Attest Name \_\_\_\_\_ Title \_\_\_\_\_

#### Instructions for Form 1-A

1. Amendments on Form 1-A and the material attached thereto shall be filed in duplicate, each of which shall be signed and attested by duly authorized officials of the exchange. Each Form 1-A shall be dated and numbered in the order of filing. The type of amendment, whether annual or other, shall be specified in the space provided on the Form.

2. An exchange may use the printed Form 1-A. If it does not use the printed Form 1-A it shall type or print a

\* Strike out inapplicable words.

complete Form 1-A on good quality 8½ x 11 inch white paper and shall have a margin of at least 1½ inches on the left. All material filed with such form shall comply with the same requirements.

3. If the information called for by any exhibit is available in printed form, the printed material may be used provided it does not exceed 8½ x 11 inches in size.

4. Any number of items or exhibits being amended may be listed on one Form 1-A.

By the Commission.

Dated: May 26, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-14806 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 601

#### Amendment of the Statement of Procedural Rules To Provide for a Consolidated Appeals Conference With Respect to Certain Windfall Profit Tax Issues

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendment of the Statement of Procedural Rules.

**SUMMARY:** This document contains amendments to the Statement of Procedural Rules (26 CFR Part 601) which allow the Internal Revenue Service to provide consolidated Appeals conferences with respect to certain windfall profit tax issues. This amendment is necessary because the Internal Revenue Service does not have the resources to provide the number of separate conferences that might be requested, especially in cases where hundreds of producers own interests in the same property or lease.

**DATES:** These amendments to the Statement of Procedural Rules are effective June 2, 1983, and apply to all crude oil removed (or deemed removed) from premises after February 29, 1980.

**FOR FURTHER INFORMATION CONTACT:** Donald W. Stevenson of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, D.C. 20224. Attention: CC:LR:T (202-566-3297, not a toll-free number).

## SUPPLEMENTARY INFORMATION:

## Background

On December 3, 1982, proposed amendments to the Statement of Procedural Rules (26 CFR Part 601) were published in the *Federal Register* (47 FR 54459). These amendments were proposed to allow the Internal Revenue Service to provide a single consolidated Appeals conference to resolve administratively certain windfall profit tax issues arising in connection with the examination of an oil and gas property or lease. Several comments were received suggesting changes to these proposed amendments. A public hearing on the proposed amendments was held on January 18, 1983. After consideration of all comments regarding the proposed amendments, those amendments are adopted as revised by this document.

## Explanation of Provisions

The Crude Oil Windfall Profit Tax Act of 1980 imposes an excise tax on domestically produced taxable crude oil. The producer of the oil is liable for the windfall profit tax. The prior procedural rules did not provide a mechanism by which the Service could require all producers owning an interest in a property or lease to join in a single administrative proceeding. Thus, under the prior procedures, each producer could request and would be entitled to a separate Appeals conference. The Internal Revenue Service does not have the resources to provide the number of separate conferences that might be requested, especially in cases where hundreds of producers own interests in the same property or lease.

The Statement of Procedural Rules is amended, therefore, to allow the Service to provide a single consolidated Appeals conference to determine all "oil items" arising in connection with a property or lease. Generally, "oil items" are items taken into account in computing the windfall profit tax which can be more readily determined at the property, rather than producer, level. These new procedural rules apply only when the Service determines that a consolidated procedure is necessary for the effective administration of that tax. With respect to a particular property, the Service may conduct separate Appeals conferences with certain producers and a consolidated Appeals conference with the others. The determination by the Appeals office after a consolidated Appeals conference will be the final administrative determination with respect to all "oil items" arising in connection with the property or lease under examination for all producers

except those for whom the Service determines that separate proceedings are appropriate.

Under the new rules a producer generally will be notified of any adjustment proposed by the examiner that may affect the producer's tax liability by way of a special letter designated as a "60-day letter." This letter will explain the reason(s) for the adjustment(s), invite the producer to submit written comments or additional information which may not have been considered by the examiner, and identify the location where the Appeals conference will be held if one is requested. No producer will be permitted to attend the conference unless the producer files a written statement of the producer's intent to attend the Appeals conference.

The amendments to the Statement of Procedural Rules will not affect the producer's administrative appeal rights with respect to "producer items," that is, items more readily determined at the producer level such as exemptions and independent producer status. Producers who participate in a consolidated Appeals conference with respect to "oil items" are still entitled to a separate Appeals conference to resolve issues related to "producer items."

## Summary of Changes and Public Comments

*Permissibility of New Procedures*

One comment questioned the authority for the proposed amendment, especially in light of new Code section 6232, which provides for consolidated windfall profit tax proceedings in the case of partnerships. The Statement of Procedural Rules is issued under the authority contained in 5 U.S.C. 301 and 552. New Code section 6232 provides for consolidated administrative and *judicial* proceedings in the case of *partnerships*. The amendment to the Statement of Procedural Rules relates only to *administrative* proceedings and applies to *all producers*, whether members of the same partnership or not.

Several comments suggested that the proposed amendment might be prohibited by Code section 6103, relating to confidentiality and disclosure of returns and return information. Section 6103(h)(4) provides for disclosure of a return or return information in an administrative proceeding pertaining to tax administration when the taxpayer is a party to the proceeding.

## Definition of Oil Items

Several commenters on the proposed amendment criticized the definition of "oil items" as overly broad because the determination of some "oil items" might

depend upon different factual findings for different producers. For example, the removal price and the severance tax adjustment for oil taken in-kind by one producer may differ from the removal price and severance tax adjustment for oil that the other producers authorized the operator to sell on their behalf. Except for the modification discussed below, the definition of "oil items" is adopted as proposed. In most cases these items are more readily determined at the property, rather than the producer, level. Because the rules adopted permit the Service to provide separate Appeals conferences to certain producers even though a consolidated conference is being conducted for other producers with interests in the same property, the Service will have the flexibility to deal separately with producers in special circumstances where that seems appropriate.

One commenter states that the applicability of the exemption for front-end oil to oil produced from a particular property should not be an oil item because one producer may have released crude oil from that property from price controls to recoup expenditures on a qualified tertiary project while another producer may not have released any crude oil from price controls. The rule adopted excludes this item from the list of "oil items" in response to this comment. The rule adopted, however, provides that "oil items" include the factors taken into account in determining whether production from a particular property qualifies a producer for the exemption.

## Schedule of Producers

The proposed amendments required the operator to furnish the Service with a schedule of all producers holding interests in the property. Commenters pointed out that in most cases the operator will not have this information. To determine the ultimate producer of the oil, the operator may have to trace through the records of other entities. Those other entities may refuse to disclose this information. The amendments, as modified, require the operator to furnish the Service with a schedule of producers as reasonably complete as possible.

## 60-Day Letter

The proposed amendments provided that the Service would notify all identified producers of any proposed adjustments by way of a special 30-day letter. The producer generally had 30 days to notify the Service that the producer intended to participate in the conference and to submit a protest. The

proposed amendments also required a person who received a 30-day letter but was not liable for payment of the windfall profit tax (for example, a partnership) to furnish the letter to the ultimate taxpayer within 5 days of receipt of the letter.

One commenter stated that 30 days may not be sufficient time to allow a person who received the 30-day letter indirectly from the Service to respond to the letter even if the original recipient acts in an expeditious manner. Another commenter pointed out that where multiple notifications must be passed from one person to another down through the chain of ownership interest, the time required to notify all producers may exceed the 30-day limit.

Commenters stated that 5 days may be insufficient to permit the person who receives a 30-day letter with respect to oil for which that person is not the producer to determine all the other persons to whom a copy of the 30-day letter must be furnished.

Under the amendments, as modified, the producer has 60 days to notify the Service that the producer intends to participate in the consolidated conference and to submit a protest. Any person who receives a 60-day letter with respect to oil of which another person is the producer and who is not authorized or empowered to act on behalf of or represent that other person shall, within 10 days of the receipt of the 60-day letter, furnish to that other person a copy of the 60-day letter, including the proposed adjustments and such other information (for example, ownership percentage) as that other person may need in order to understand the application of the 60-day letter.

#### Miscellaneous Changes

The amendment being adopted makes several minor modifications to the proposed amendment. The minor modifications that are in response to comments are discussed below. The other modifications merely clarify certain provisions of the proposed amendment and do not require explanation in this preamble.

The proposed amendment provided that the internal revenue district office with jurisdiction over the place where the property or lease was located would conduct the examination of the operator's books. The amendment being adopted provides that that responsibility lies with the district office with jurisdiction over the place where the operator maintains its books.

The proposed amendment provided that the letter sent to producers with the examination report would note whether the operator agreed with the proposed

adjustments. The amendment being adopted omits this provision. Omission of this provision, however, does not bar the Service from including this information in the letter if it would be appropriate. The list of items to be included in the letter is not intended to be exclusive.

The amendment being adopted also makes clear that a producer is required to file a protest only if the proposed adjustment for the producer exceeds \$2,500 for a single taxable period.

#### Drafting Information

The principal author of these amendments to the Statement of Procedural Rules is Donald W. Stevenson of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing the regulation, both on matters of substance and style.

#### Regulatory Flexibility Act and Executive Order 12291

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Because this rule is a general statement of rules of Internal Revenue procedure and practice, no regulatory analysis is required.

#### List of Subjects in 26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of Information, Oil items, Producer items, Taxes.

#### Adoption of Amendments to the Statement of Procedural Rules

Accordingly, the Statement of Procedural Rules (26 CFR Part 601) is amended as follows:

#### PART 601—[AMENDED]

**Paragraph 1.** Section 601.105 is amended by adding the following new paragraph (1):

#### § 601.105 Examination of returns and claims for refund, credit or abatement; determination of correct tax liability.

(1) *Special procedures for crude oil windfall profit tax cases.* For special procedures relating to crude oil windfall profit tax cases, see § 601.405.

**Par. 2.** Section 601.106 is amended by adding the following new paragraph (i):

#### § 601.106 Appeals functions.

(i) *Special procedures for crude oil windfall profit tax cases.* For special procedures relating to crude oil windfall profit tax cases, see § 601.405.

**Par. 3.** There is added immediately after § 601.404 the following new § 601.405:

#### § 601.405 Windfall profit tax.

(a) *General—(1) Applicability.* The administrative procedures set forth in this section shall apply only with respect to oil items arising under the crude oil windfall profit tax imposed by section 4986 and only when the Internal Revenue Service determines that these procedures are necessary to administer the windfall profit tax effectively. With respect to a particular property, the Service may offer separate Appeals conferences to some of the producers and offer a consolidated Appeals conference to the remaining producers. Among the reasons for which a separate conference may be considered would be the need to protect proprietary information. A separate conference may be granted to a producer with respect to all issues or selected issues only, with the remaining issues to be resolved in the consolidated proceeding. In the case of a producer to whom the Service offers a separate Appeals conference, the provisions of this section shall be applicable only to the extent appropriate.

(2) *Definitions.* For purposes of this section—

(i) *Oil item.* The term "oil item" means any item necessarily taken into account in making the following determinations with respect to the crude oil removed from a property or lease during a taxable period:

- (A) The tier or tiers of the crude oil;
- (B) The quantity of crude oil in each tier;
- (C) The adjusted base price and removal price;
- (D) The severance tax adjustment;
- (E) The Trans-Alaska Pipeline System tariff;
- (F) For purposes of section 4994(c)—
  - (1) Whether a property is a qualified property,
  - (2) Whether a project is a front-end tertiary project, and
  - (3) Whether expenses with respect to the project are allowed expenses;
- (G) The determination of whether the oil qualifies as exempt Alaskan oil;
- (H) The determination of when removal from the premises occurs and what constitutes the property; and

(1) The percentage interest of each producer in the oil prior to its removal from

(ii) *Producer item.* The term "producer item" means an item taken into account in determining the producer's liability for the crude oil windfall profit tax other than an oil item.

(3) *Description of tax.* The crude oil windfall profit tax is a temporary excise tax imposed on domestically produced taxable crude oil removed from the premises during a taxable period.

(4) *Applicable regulations.* Information concerning the scope of the tax, the forms used, the requirements for withholding and depositing the tax, and the functioning of the Service with respect thereto is contained in the applicable regulations. Copies of all necessary forms, and instructions as to their preparation and filing, may be obtained from any forms distribution center of the Internal Revenue Service.

(b) *Examination-procedures—(1) General.* Examination of a producer's windfall profit tax liability (or claim for credit or refund of overpayments of windfall profit tax based on an oil item) will generally begin with the examination of the books and records of the operator of the property or the lease in which the producer has an interest. Thus, the examination of a producer's liability or claim for credit or refund based on an oil item will generally be kept open until the examination and all other administrative proceedings relating to the oil items arising in connection with the property or lease are completed.

(2) *Examination of the property or lease—(i) Office conducting examination.* The Examination Division of the district office in the internal revenue district in which the operator of the property or lease maintains its books and records will generally conduct the examination.

(ii) *Schedule of producers.* The operator shall furnish the examining agent with a schedule, as reasonably complete as possible, of producers owning interests in the property or lease showing their names, taxpayer identification numbers, mailing addresses, and ownership percentages. The operator satisfies the requirement of providing a schedule of producers as reasonably complete as possible by identifying all producers that can be identified from the operator's books and records or from other sources through reasonable effort on the operator's part. If the operator later discovers at any time that the information furnished to the examiner is incomplete or incorrect, the operator shall furnish such revised

or additional information as may be necessary.

(iii) *Examination report.* At the conclusion of the examination of the books and records of the operator, the examiner will prepare a complete examination report fully explaining all proposed adjustments, if any.

(3) *Sixty-day letter—(i) Distribution of 60-day letter.* A copy of the relevant portions of the examination report under cover of a special transmittal letter (60-day letter) will be sent to each person identified as having an interest in the property or lease and with respect to whom adjustments are to be proposed. Any person (as defined in section 7701(a)(1)) who receives a 60-day letter with respect to oil of which another person is the producer and who is not authorized or empowered to act on behalf of or represent that other person shall, within 10 days of the receipt of the 60-day letter, furnish to that other person a copy of the 60-day letter, including the proposed adjustments and such other information (for example, ownership percentage) as that other person may need in order to understand the application of the 60-day letter. Any person forwarding a 60-day letter shall notify the Internal Revenue Service of the name, taxpayer identification number, mailing address, type of interest owned, and ownership percentage of the person to whom the letter is forwarded. This information shall be furnished to the Internal Revenue Service at the return address shown on the 60-day letter.

(ii) *Content of 60-day letter.* The 60-day letter shall—

(A) Set out the proposed adjustments for the producer and the reasons for the adjustments.

(B) Invite the producer to submit written comments or additional information which may not have been considered by the examiner.

(C) State that administrative review of the proposed adjustments will be granted only to the extent provided in the letter.

(D) Identify the general location where the consolidated Appeals conference will be held, if any producer requests one, and explain that the producer will be given later notice of the specific location and time of the conference if the producer notifies the Service of the producer's intention to attend the conference.

(E) Explain that the producer will not be permitted to participate in the consolidated Appeals conference unless the producer, within 60-days after the mailing of the 60-day letter, submits a written statement that the producer intends to attend the consolidated

Appeals conference. In addition, a producer intending to attend the consolidated Appeals conference must, within 60 days after the mailing of the 60-day letter, file a written protest setting forth the facts, law, and arguments upon which the producer relies in protesting the proposed adjustment for a taxable period if the proposed adjustment for the producer for that period exceeds \$2,500.00. No written protest is required if the proposed adjustment for a taxable period is \$2,500.00 or less.

(F) State that the producer will receive a later notice of the final administrative determination with respect to oil items.

(c) *Appeals procedures.* If a timely protest, a request for conference or written comments are received, they will be forwarded along with the examiner's findings and the schedule of property or lease owners to the appropriate Appeals office. No action will be taken with respect to producers who do not respond to the 60-day letter until the Appeals office completes its consideration of the case. Only one consolidated Appeals conference will be held to determine all oil item adjustments arising in connection with the property or lease unless the Internal Revenue Service determines that more than one consolidated Appeals conference is necessary. This conference will be scheduled by the appropriate Appeals office as soon as possible after the end of the 60-day period. Except in extraordinary circumstances, such as fraud discovered after the Appeals office has made its determination, the determination of the Appeals office will be the final administrative determination with respect to all oil items arising from the property or lease during the taxable year regardless of whether all oil items were contested at the conference.

(d) *Austin Service Center procedures.* Upon receipt of the findings of the examiner (in cases where no Appeals conference was requested or written comments submitted) or the determination of the Appeals office, the Austin Service Center will compute the potential additional tax liability with respect to that property or lease for each producer and inform the producer of the potential additional tax and of any offer of settlement that Appeals has found satisfactory. The Austin Service Center also will explain that no further administrative review will be granted with respect to any oil item arising in connection with the property or lease under examination. The producer will be asked to—

(1) Sign a waiver of restrictions on the assessment and collection of any deficiency with respect to the property or lease in question and pay any additional tax due at that time, or

(2) Inform the Austin Service Center of any producer items that the producer wishes to place in issue.

Examination of producer items will be conducted in accordance with procedures provided in § 601.105. The producer may seek administrative review of the examiner's findings with respect to a producer item in accordance with procedures provided in § 601.106.

(e) *Cross reference.* For procedures regarding technical advice during examination and Appeals, see §§ 601.105(b)(5) and 601.106(f)(9).

This amendment to the Statement of Procedural Rules is issued under the authority contained in 5 U.S.C. 301 and 552 (80 Stat. 379 and 383) and in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 83-14821 Filed 6-1-83; 8:45 am]

BILLING CODE 4830-01-M

## Bureau of Alcohol, Tobacco and Firearms

### 27 CFR Parts 21 and 212

[T.D. ATF-133; Ref: Notices 364 and 365]

### Formulas for Denatured Alcohol and Rum

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends and recodifies the regulations regarding formulas for denatured alcohol and rum. The recodification is part of a general plan to reorganize all regulations administered by the Bureau of Alcohol, Tobacco and Firearms (ATF). In addition, numerous changes are made to these regulations. Public comment on the changes has been solicited through notices of proposed rulemaking. All significant changes from the regulations as proposed in those notices are summarized under "Supplementary Information."

**EFFECTIVE DATE:** July 5, 1983. The Director of the Federal Register approves the incorporation by reference of certain publications in 27 CFR 21.109 and 21.131 effective July 5, 1983.

**FOR FURTHER INFORMATION CONTACT:** Steve C. Simon, Research and Regulations Branch, Bureau of Alcohol,

Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385; (202) 566-7626.

### SUPPLEMENTARY INFORMATION:

#### Public Participation

Interested persons who wished to participate in the making of these rules were invited by Notice 364 (46 FR 9644, January 29, 1981) to submit written comments or suggestions.

In response, a number of comments were received. Some of these pertained to other ATF regulations and were not suitable for inclusion in the new Part 21, which deals primarily with denatured alcohol formulas (rather than production or use of denatured alcohol). Two comments advocated more extensive use of the metric system, and another proposed substitution of "percent alcohol" for "proof"; however, such changes are not considered necessary or advisable at this time.

Several comments pointed out technical corrections which were felt to be necessary; for the most part, these technical suggestions have been adopted. One comment suggested deletion of specially denatured alcohol (S.D.A.) Formula No. 17 as well as data on weights and specific gravities of formulas made with 192 proof alcohol, for reasons of lack of use. As a general principle, we feel it is best not to make such changes without prior specific notice (and opportunity for public comment); therefore, these items are not deleted at this time, though it is possible they may be proposed for deletion in a future notice. The same commenter also requested reduction of the amount of sucrose octaacetate required in S.D.A. Formula No. 40-A. However, the present denaturant level is in agreement with the use of Bitrex and brucine and is at the minimum. On the other hand, a very good point was raised by this commenter regarding the proposed new requirement for denaturers to submit applications for substitute denaturants in S.D.A. Formula No. 38-B: "The denaturer typically has no, or at best only limited indirect knowledge of how a specific SDA 38B is further formulated by the user or how it is to be used. The denaturer does not review the user's forms 1479-A, nor would he necessarily be qualified to do this to affirm a previously authorized denaturant is not suitable or available." As a result of this comment, the proposed new requirement has been reexamined. We have decided to revert to the procedure outlined in Rev. Proc. 65-3, whereby the user submits the application, under both § 21.58 (S.D.A. 29) and § 21.65 (S.D.A. 38-B). (Denaturers may submit an

application under § 21.91 for substitute denaturants in any formula.)

A final comment requested that certain new use codes be authorized. As a result, Use Code 210 has been added under S.D.A. Formula No. 27, and Use Codes 210 and 249 have been added under S.D.A. Formula No. 33. Other changes proposed by Notice 364, not the subject of any public comments, are being adopted as proposed. Such changes deal with: ingredients, conditions governing use, use codes, denaturant specifications, authority delegations, formula revisions, a form number change, and denatured spirits for export.

#### Other Changes

This document also incorporates the amendments proposed in Notice 365 (46 FR 9969, January 30, 1981), relating to a new S.D.A. Formula No. 3-C. Some small modifications reflect the comments received. These modifications are: (1) Specifications for isopropyl alcohol are included in Subpart E, for consistency with ATF's policy on other common solvents (e.g. methyl alcohol, chloroform). (2) Use Code 043 is added and Use Code 810 is subdivided, thus giving Formula No. 3-C identical use codes with Formula No. 3-A. The distinction in authorized usage between these two formulas is clarified in a new paragraph § 21.37(c) ("Conditions governing use").

This document also reflects the changes made to 27 CFR Part 212 by Treasury Decision ATF-92, relating to incorporation by reference (46 FR 46910, September 23, 1981). With respect to the new denaturants authorized by the present document, the applicable ASTM distillation method for toluene is specified in § 21.131, and the phrase "applicable ASTM method" is deleted from § 21.117(f) (methyl *n*-butyl ketone) and § 21.111(a) (heptane).

Discussion with officials in the U.S. Department of Agriculture and the Food and Drug Administration revealed that the only S.D.A. formulas now acceptable as diluents in meat branding inks are S.D.A. Formula Nos. 3-A, 3-C, and 23-A; Formula No. 32 is no longer acceptable. This document reflects these restrictions.

Other minor changes are made for the sake of clarity: in particular, paragraph designations are added in Subpart E.

#### Executive Order 12291

It has been determined that these regulations are not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because they will not have an annual effect on the economy of

\$100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have 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.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this rule, because the changes made by it will not have a significant economic impact on a substantial number of small entities. The changes being made are not major and are not expected to have any significant impact on the businesses of most permittees operating under the new Part 21. These regulations are not expected to have significant secondary or incidental effects on a substantial number of small entities, nor will they cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

#### Drafting Information

The principal drafter of this document was Steve C. Simon of the Research and Regulations Branch.

#### List of Subjects in 27 CFR Part 21

Alcohol and alcoholic beverages, Authority delegations, Chemicals, Gasohol.

#### Issuance

These regulations are issued under the authority contained in 26 U.S.C. 5242 and 7805 (72 Stat. 1369 and 68A Stat. 917, as amended).

In consideration of the above, the following changes are made to Title 27 of the Code of Federal Regulations:

#### PART 212—[REMOVED]

Paragraph 1. Part 212 is removed.

Paragraph 2. Part 21 is added to read as follows:

#### PART 21—FORMULAS FOR DENATURED ALCOHOL AND RUM

##### Subpart A—General Provisions

- Sec.
- 21.1 Scope of Regulations.
  - 21.2 Forms prescribed.
  - 21.3 Stocks of discontinued formulas.
  - 21.4 Related regulations.
  - 21.5 Denatured spirits for export.
  - 21.6 Incorporations by reference.

##### Subpart B—Definitions

- Sec.
- 21.11 Meaning of terms.

##### Subpart C—Completely Denatured Alcohol Formulas

- 21.21 General.
- 21.22 Formula No. 18.
- 21.23 Formula No. 19.
- 21.24 Formula No. 20.

##### Subpart D—Specially Denatured Spirits Formulas and Authorized Uses

- 21.31 General.
- 21.32 Formula No. 1.
- 21.33 Formula No. 2-B.
- 21.34 Formula No. 2-C.
- 21.35 Formula No. 3-A.
- 21.36 Formula No. 3-B.
- 21.37 Formula No. 3-C.
- 21.38 Formula No. 4.
- 21.39 Formula No. 6-B.
- 21.40 Formula No. 12-A.
- 21.41 Formula No. 13-A.
- 21.42 Formula No. 17.
- 21.43 Formula No. 18.
- 21.44 Formula No. 19.
- 21.45 Formula No. 20.
- 21.46 Formula No. 22.
- 21.47 Formula No. 23-A.
- 21.48 Formula No. 23-F.
- 21.49 Formula No. 23-H.
- 21.50 Formula No. 25.
- 21.51 Formula No. 25-A.
- 21.52 Formula No. 27.
- 21.53 Formula No. 27-A.
- 21.54 Formula No. 27-B.
- 21.55 Formula No. 28-A.
- 21.56 Formula No. 29.
- 21.57 Formula No. 30.
- 21.58 Formula No. 31-A.
- 21.59 Formula No. 32.
- 21.60 Formula No. 33.
- 21.61 Formula No. 35.
- 21.62 Formula No. 35-A.
- 21.63 Formula No. 36.
- 21.64 Formula No. 37.
- 21.65 Formula No. 38-B.
- 21.66 Formula No. 38-C.
- 21.67 Formula No. 38-D.
- 21.68 Formula No. 38-F.
- 21.69 Formula No. 39.
- 21.70 Formula No. 39-A.
- 21.71 Formula No. 39-B.
- 21.72 Formula No. 39-C.
- 21.73 Formula No. 39-D.
- 21.74 Formula No. 40.
- 21.75 Formula No. 40-A.
- 21.76 Formula No. 40-B.
- 21.77 Formula No. 40-C.
- 21.78 Formula No. 42.
- 21.79 Formula No. 44.
- 21.80 Formula No. 45.
- 21.81 Formula No. 46.

##### Subpart E—Specifications for Denaturants

- 21.91 General.
- 21.92 Denaturants listed as U.S.P. or N.F.
- 21.93 Acetaldehyde.
- 21.94 Acetalcol.
- 21.95 Ammonia, aqueous.
- 21.96 Benzene.
- 21.97 Bone oil (Dipple's oil).
- 21.98 Brucine alkaloid.
- 21.99 *n*-Butyl alcohol.
- 21.100 *tert*-Butyl alcohol.
- 21.101 Caustic soda, liquid.

##### Sec.

- 21.102 Chloroform.
- 21.103 Cinchonidine.
- 21.104 Citronella oil, natural.
- 21.105 Diethyl phthalate.
- 21.106 Ethyl acetate.
- 21.107 Ethyl ether.
- 21.108 Gasoline.
- 21.109 Gasoline, unleaded.
- 21.110 Gentian violet.
- 21.111 Heptane.
- 21.112 Isopropyl alcohol.
- 21.113 Kerosene.
- 21.114 Kerosene (deodorized).
- 21.115 Methyl alcohol.
- 21.116 Methyl isobutyl ketone.
- 21.117 Methyl *n*-butyl ketone.
- 21.118 Nicotine solution.
- 21.119 Nitropropane, mixed isomers of.
- 21.120 Phenyl mercuric benzoate.
- 21.121 Pyridine bases.
- 21.122 Pyronate.
- 21.123 Quassin.
- 21.124 Rubber hydrocarbon solvent.
- 21.125 Safrole.
- 21.126 Shellac (refined).
- 21.127 Sodium (metallic).
- 21.128 Spearmint oil, terpenesless.
- 21.129 Spike lavender oil, natural.
- 21.130 Sucrose octaacetate.
- 21.131 Toluene.
- 21.132 Vinegar.

##### Subpart F—Uses of Specially Denatured Alcohol and Specially Denatured Rum

##### Sec.

- 21.141 List of products and processes using specially denatured alcohol and rum, and formulas authorized therefor.

##### Subpart G—Denaturants Authorized for Denatured Spirits

- 21.151 List of denaturants authorized for denatured spirits.

##### Subpart H—Weights and Specific Gravities of Specially Denatured Alcohol

- 21.161 Weights and specific gravities of specially denatured alcohol.

Authority: Title II, sec. 201, Pub. L. 85-859, 72 Stat. 1369; sec. 7805, 68A Stat. 917 [26 U.S.C. 5242, 7805] unless otherwise noted.

##### Subpart A—General Provisions

#### § 21.1 Scope of regulations.

The regulations in this part relate to the formulation of completely denatured alcohol, specially denatured alcohol, and specially denatured rum; to the specifications for denaturants; and to the uses of denatured spirits.

#### § 21.2 Forms prescribed.

(a) *General.* The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, information called for in each form shall be furnished as required by this part.

(b) *List of forms.* "Public Use Forms" (ATF Publication 1322.1) is a numerical listing of forms issued or used by the Bureau of Alcohol, Tobacco and Firearms. This publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(c) *Requests for forms.* Requests for forms should be mailed to the ATF Distribution Center, 3800 South Four Mile Run Drive, Arlington, Virginia 22206.

#### § 21.3 Stocks of discontinued formulas.

Denaturers, or specially denatured spirits dealers or users, having on hand stocks of denaturants or formulas of specially denatured spirits no longer authorized by this part may—

(a) Continue to supply or use those stocks in accordance with existing permits until the stocks are exhausted;

(b) Use up those stocks in any manufacturing process approved by the Chief, Chemical Branch, pursuant to an application filed with him on ATF Form 5150.19, Formula for Articles made with Specially Denatured Alcohol and Rum;

(c) On approval of an application, filed with the regional regulatory administrator and approved by him, destroy those stocks under whatever supervision the regional regulatory administrator requires; or

(d) Otherwise dispose of those stocks in a manner satisfactory to the Director, pursuant to approval of an application (to be filed with the regional regulatory administrator for transmittal to the Director).

#### § 21.4 Related regulations.

The procedural and substantive requirements relative to the production of denatured alcohol and specially denatured rum are prescribed in Part 19 of this chapter, and those relative to the distribution and use of denatured alcohol and specially denatured rum are prescribed in Part 211 of this chapter.

#### § 21.5 Denatured spirits for export.

Spirits may be denatured in accordance with formulas prescribed by the government of a foreign country to which the denatured spirits will be exported. However, the denaturer must first apply for and obtain written permission from the Director. The application shall be submitted to the Director and shall contain the following information:

(a) A complete list of ingredients for the spirits to be denatured.

(b) The exact amount of each ingredient to be used in denaturing the spirits.

(c) A copy (accompanied by an English translation as necessary) of the law or regulations of the foreign country to which the denatured spirits will be exported, specifying the denatured spirits formulation prescribed by that country.

#### § 21.6 Incorporations by reference.

(a) "The United States Pharmacopoeia (Twentieth Revision, Official from July, 1980) and the National Formulary (Fifteenth Edition, Official from July 1, 1980)" published together as "The USP and NF Compendia," are incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. The publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the United States Pharmacopoeia Convention, Inc., 12601 Twinbrook Parkway, Rockville, Maryland 20852.

(b) Material from Parts 23, 25, and 29 of the 1980 Annual Book of ASTM Standards is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. These publications may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and are available from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

(c) Material from the "Official Methods of Analysis of the Association of Official Analytical Chemists (13th Edition 1980)" (AOAC) is incorporated by reference in this part. This incorporation by reference was approved by the Director of the Federal Register. This publication may be inspected at the Office of the Federal Register, Room 8401, 1100 L Street, NW., Washington, D.C., and is available from the Association of Official Analytical Chemists, 11 North 19th Street, Suite 210, Arlington, Virginia 22209.

(Pub. L. 89-554, 80 Stat. 383 as amended (5 U.S.C. 552(a)))

#### Subpart B—Definitions

##### § 21.11 Meaning of terms.

When used in this part and in forms prescribed under this part, unless the context otherwise requires, terms have the meanings given in this section. Words in the plural form include the singular, and vice versa, and words indicating the masculine gender include the feminine. The terms "includes" and "including" do not exclude things not mentioned which are in the same general class.

*Alcohol.* The spirits known as ethyl alcohol, ethanol, or spirits of wine, from whatever source or by whatever process produced. The term does not include such spirits as whisky, brandy, rum, gin, or vodka.

*Chief, Chemical Branch.* The Chief, Chemical Branch, Scientific Services Division, Bureau of Alcohol, Tobacco and Firearms, 1401 Research Boulevard, Rockville, MD 20850.

*CFR.* The Code of Federal Regulations.

*C.D.A.* Completely denatured alcohol.

*Completely denatured alcohol.* The spirits known as alcohol, as defined in this section, denatured pursuant to completely denatured alcohol formulas prescribed in Subpart C of this part.

*Denaturant.* A material authorized by this part to be added to spirits in order to make those spirits unfit for beverage or internal human medicinal use.

*Denatured spirits.* Alcohol or rum to which denaturants have been added as provided in this part.

*Director.* The Director, Bureau of Alcohol, Tobacco and Firearms, the Department of the Treasury, Washington, D.C. 20226.

*Essential oil.* Any of the volatile odoriferous natural oils found in plants, which impart to such plants odor, and often other characteristic properties; also, imitations of such natural oils, as well as aromatic substances, and synthetic oils, which possess the denaturing characteristics of such natural oils.

*Gallon.* The liquid measure equivalent to the volume of 231 cubic inches.

*Manufacturer or user.* A person who holds an industrial use permit to use specially denatured alcohol or specially denatured rum, or to recover completely or specially denatured alcohol, specially denatured rum, or articles manufactured with denatured spirits, or a distilled spirits plant proprietor holding an operating permit to denature spirits.

*N.F.* The National Formulary. The latest edition is intended unless otherwise specified. The designations "U.S.P." and "N.F." are considered interchangeable when preparations are transferred from one publication to the other. (For incorporation by reference, see § 21.6(a).)

*Proof.* The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

*Regional regulatory administrator.* The principal ATF regional official responsible for administering regulations in this part.

*Rum.* Any spirits produced from sugar cane products and distilled at less than

190 proof in such manner that the spirits possess the taste, aroma, and characteristics generally attributed to rum.

*S.D.A. Specially denatured alcohol.*

*Specially denatured alcohol.* Those spirits known as alcohol, as defined in this section, denatured pursuant to the specially denatured alcohol formulas authorized under Subpart D of this part.

*Specially denatured rum.* Those spirits known as rum, as defined in this section, denatured pursuant to the specially denatured rum formula authorized under Subpart D of this part.

*Spirits or distilled spirits.* Alcohol or rum as defined in this part.

*U.S.C.* The United States Code.

*U.S.P.* The United States

Pharmacopoeia. The latest edition is intended unless otherwise specified. The designations "U.S.P." and "N.F." are considered interchangeable when preparations are transferred from one publication to the other. (For incorporation by reference, see § 21.6(a).)

### Subpart C—Completely Denatured Alcohol Formulas

#### § 21.21 General.

(a) Alcohol shall be completely denatured only in accordance with formulas prescribed in this subpart (or in accordance with § 21.5).

(b) Denaturers may be authorized to add a small quantity of an odorant, rust inhibitor, or dye to completely denatured alcohol. Any such addition shall be made only on approval by the Chief, Chemical Branch. Request for such approval shall be submitted to the Chief, Chemical Branch.

(c) Odorants or perfume materials may be added to denaturants authorized for completely denatured alcohol in amounts not greater than 1 part to 250, by weight. However, such addition shall not decrease the denaturing value nor change the chemical or physical constants beyond the limits of the specifications for these denaturants as prescribed in Subpart E, except as to odor. Proprietors of distilled spirits plants using denaturants to which such odorants or perfume materials have been added shall inform the Chief, Chemical Branch, in writing, of the names and properties of the odorants or perfume materials so used.

#### § 21.22 Formula No. 18.

To every 100 gallons of ethyl alcohol of not less than 160 proof add:

2.50 gallons of either methyl isobutyl ketone, mixed isomers of nitropropane, or methyl *n*-butyl ketone;

0.125 gallon of pyronate or a similar compound;

0.50 gallon acetaldol (beta-hydroxybutyraldehyde); and

1.00 gallon of either kerosene, deodorized kerosene, gasoline, unleaded gasoline, rubber hydrocarbon solvent, or heptane.

#### § 21.23 Formula No. 19.

To every 100 gallons of ethyl alcohol of not less than 160 proof add:

4.0 gallons of either methyl isobutyl ketone, mixed isomers of nitropropane, or methyl *n*-butyl ketone; and

1.0 gallon of either kerosene, deodorized kerosene, gasoline, unleaded gasoline, rubber hydrocarbon solvent, or heptane.

#### § 21.24 Formula No. 20

(a) *Formula.* To every 100 gallons of ethyl alcohol of not less than 195 proof add:

A total of 2.0 gallons of either unleaded gasoline, rubber hydrocarbon solvent, kerosene, or deodorized kerosene; or any combination of these.

(b) *Authorized use.* Restricted to fuel use, comparable to specially denatured alcohol "Use Code No." 611, 612, 613, 620, and 630.

### Subpart D—Specially Denatured Spirits Formulas and Authorized Uses

#### § 21.31 General.

(a) *Formulas for specially denatured spirits.* Alcohol and rum shall be specially denatured only in accordance with formulas prescribed in this subpart (or in accordance with § 21.5).

(b) *Proof of spirits for denaturation.* Alcohol of not less than 185 proof shall be used in the manufacture of all formulas of specially denatured alcohol, unless otherwise specifically stated or unless otherwise authorized by the Director. Rum for denaturation shall be of not less than 150 proof and may be denatured only in accordance with Formula No. 4.

(c) *Use of Denatured Spirits.* Users and manufacturers holding approved Forms 5150.19 (formerly 1479-A) covering use in processes or manufacture of products no longer authorized for a particular formula may continue that use. Pursuant to written application and subject to the provisions of 26 U.S.C. Chapter 51, Part 211 of this chapter, and this part, the Chief, Chemical Branch, may authorize the use of any formula of specially denatured alcohol or specially denatured rum for uses not specifically authorized in this part. The code number before each item under "authorized uses" shall be used in reporting the use of specially denatured alcohol or specially denatured rum.

#### § 21.32 Formula No. 1.

(a) *Formula.* To every 100 gallons of alcohol add:

Four gallons of methyl alcohol and either  $\frac{1}{8}$  avoirdupois ounce of denatonium benzoate, N.F., (BFTREX); 1 gallon of methyl isobutyl ketone; 1 gallon of mixed isomers of nitropropane; or 1 gallon of methyl *n*-butyl ketone.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
016. Other coatings.
021. Cellulose plastics.
022. Non-cellulose plastics, including resins.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
041. Proprietary solvents (standard formulations).
042. Solvents and thinners (other than proprietary solvents or special industrial solvents).
043. Special industrial solvents (restricted sale).
051. Polishes.
052. Inks (not including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soap and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones, and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
354. Processing rosin.
355. Processing rubber (latex).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides, and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

521. Ethyl acetate.

- 522. Ethyl chloride.
- 523. Other ethyl esters.
- 530. Ethylamines.
- 540. Dyes and intermediates.
- 551. Acetaldehyde.
- 552. Other aldehydes.
- 561. Ethyl ether.
- 562. Other ethers.
- 571. Ethylene dibromide.
- 572. Ethylene gas.
- 573. Xanthates.
- 574. Fulminate of mercury and other detonators.
- 575. Drugs and medicinal chemicals.
- 579. Other chemicals.

## (3) As a fuel:

- 611. Automobile and supplementary fuels.
- 612. Airplane and supplementary fuels.
- 613. Rocket and jet fuels.
- 620. Proprietary heating fuels.
- 630. Other fuel uses.

## (4) As a fluid:

- 710. Scientific instruments.
- 720. Brake fluids.
- 730. Cutting oil.
- 740. Refrigerating uses.
- 750. Other fluid uses.
- 760. Proprietary anti-freeze.

## (5) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).
- 900. Specialized uses (unclassified).

## § 21.33 Formula No. 2-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon of benzene, ½ gallon of rubber hydrocarbon solvent, or ½ gallon of toluene.

(b) *Authorized uses*—(1) As a solvent:

- 021. Cellulose plastics.
- 022. Non-cellulose plastics, including resins.
- 031. Photographic film and emulsions.
- 032. Transparent sheeting.
- 033. Explosives.
- 311. Cellulose compounds (dehydration).
- 312. Sodium hydrosulfite (dehydration).
- 315. Other dehydration products.
- 320. Petroleum products.
- 331. Processing pectin.
- 332. Processing other food products.
- 341. Processing crude drugs.
- 342. Processing glandular products, vitamins, hormones, and yeasts.
- 343. Processing antibiotics and vaccines.
- 344. Processing medicinal chemicals (including alkaloids).
- 349. Miscellaneous drug processing (including manufacture of pills).
- 351. Processing dyes and intermediates.
- 352. Processing perfume materials and fixatives.
- 353. Processing photographic chemicals.
- 358. Processing other chemicals.
- 359. Processing miscellaneous products.

## (2) As a raw material:

- 521. Ethyl acetate.
- 522. Ethyl chloride.
- 523. Other ethyl esters.
- 524. Sodium ethylate, anhydrous.
- 530. Ethylamines.

- 540. Dyes and intermediates.
- 551. Acetaldehyde.
- 552. Other aldehydes.
- 561. Ethyl ether.
- 562. Other ethers.
- 571. Ethylene dibromide.
- 572. Ethylene gas.
- 573. Xanthates.
- 575. Drugs and medicinal chemicals.
- 576. Organo-silicone products.
- 579. Other chemicals.

## (3) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used in a closed and continuous system unless otherwise authorized by the Chief, Chemical Branch.

## § 21.34 Formula No. 2-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-three pounds or more of metallic sodium and either ½ gallon of benzene, ½ gallon of toluene, or ½ gallon of rubber hydrocarbon solvent.

(b) *Authorized uses.* (1) As a solvent:

- 344. Processing medicinal chemicals (including alkaloids).
- 358. Processing other chemicals.
- 359. Processing miscellaneous products.

## (2) As a raw material:

- 523. Miscellaneous ethyl esters.
- 530. Ethylamines.
- 540. Dyes and intermediates.
- 575. Drugs and medicinal chemicals.
- 579. Other chemicals.

## (3) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used in a closed and continuous system unless otherwise authorized by the Chief, Chemical Branch.

## § 21.35 Formula No. 3-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

- 011. Cellulose coatings.
- 012. Synthetic resin coatings.
- 016. Other coatings.
- 021. Cellulose plastics.
- 022. Non-cellulose plastics, including resins.
- 031. Photographic film and emulsions.
- 032. Transparent sheeting.
- 033. Explosives.
- 034. Cellulose intermediates and industrial collodions.
- 035. Soldering flux.
- 036. Adhesives and binders.
- 043. Special industrial solvents (restricted sale).
- 051. Polishes.
- 052. Inks (including meat branding inks).

- 053. Stains (wood, etc.).
- 141. Shampoos.
- 142. Soap and bath preparations.
- 311. Cellulose compounds (dehydration).
- 312. Sodium hydrosulfite (dehydration).
- 315. Other dehydration products.
- 320. Petroleum products.
- 331. Processing pectin.
- 332. Processing other food products.
- 341. Processing crude drugs.
- 342. Processing glandular products, vitamins, hormones, and yeasts.
- 343. Processing antibiotics and vaccines.
- 344. Processing medicinal chemicals (including alkaloids).
- 345. Processing blood and blood products.
- 349. Miscellaneous drug processing (including manufacture of pills).
- 351. Processing dyes and intermediates.
- 352. Processing perfume materials and fixatives.
- 353. Processing photographic chemicals.
- 354. Processing rosin.
- 355. Processing rubber (latex).
- 358. Processing other chemicals.
- 359. Processing miscellaneous products.
- 410. Disinfectants, insecticides, fungicides, and other biocides.
- 420. Embalming fluids and related products.
- 430. Sterilizing and preserving solutions.
- 440. Industrial detergents and soaps.
- 450. Cleaning solutions (including household detergents).
- 470. Theater sprays, incense, and room deodorants.
- 481. Photoengraving and rotogravure dyes and solutions.
- 482. Other dye solutions.
- 485. Miscellaneous solutions (including duplicating fluids).

## (2) As a raw material:

- 530. Ethylamines.
- 540. Dyes and intermediates.
- 575. Drugs and medicinal chemicals.
- 576. Organo-silicone products.
- 579. Other chemicals.
- 590. Synthetic resins.

## (3) As a fuel:

- 611. Automobile and supplementary fuels.
- 612. Airplane and supplementary fuels.
- 613. Rocket and jet fuels.
- 620. Proprietary heating fuels.
- 630. Other fuel uses.

## (4) As a fluid:

- 710. Scientific instruments.
- 720. Brake fluids.
- 730. Cutting oils.
- 740. Refrigerating uses.
- 750. Other fluid uses.

## (5) Miscellaneous uses:

- 810. General laboratory and experimental use (own use only).
- 811. Laboratory reagents for sale.
- 812. Product development and pilot plant uses (own use only).
- 900. Specialized uses (unclassified).

## § 21.36 Formula No. 3-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of pine tar, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

- 111. Hair and scalp preparations.
- 141. Shampoos.
- 142. Soap and bath preparations.
- 410. Disinfectants, insecticides, fungicides, and other biocides.

## (2) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).

## § 21.37 Formula No. 3-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of isopropyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

- 011. Cellulose coatings.
- 012. Synthetic resin coatings.
- 016. Other coatings.
- 021. Cellulose plastics.
- 022. Non-cellulose plastics, including resins.
- 031. Photographic film and emulsions.
- 032. Transparent sheeting.
- 033. Explosives.
- 034. Cellulose intermediates and industrial collodions.
- 035. Soldering flux.
- 036. Adhesives and binders.
- 043. Special industrial solvents (restricted sale).
- 051. Polishes.
- 052. Inks (including meat branding inks).
- 053. Stains (wood, etc.).
- 141. Shampoos.
- 142. Soaps and bath preparations.
- 311. Cellulose compounds (dehydration).
- 312. Sodium hydrosulfite (dehydration).
- 315. Other dehydration products.
- 320. Petroleum products.
- 331. Processing pectin.
- 332. Processing other food products.
- 341. Processing crude drugs.
- 342. Processing glandular products, vitamins, hormones, and yeasts.
- 343. Processing antibiotics and vaccines.
- 344. Processing medicinal chemicals (including alkaloids).
- 345. Processing blood and blood products.
- 349. Miscellaneous drug processing (including manufacture of pills).
- 351. Processing dyes and intermediates.
- 352. Processing perfume materials and fixatives.
- 353. Processing photographic chemicals.
- 354. Processing rosin.
- 355. Processing rubber (latex).
- 358. Processing other chemicals.
- 359. Processing miscellaneous products.
- 410. Disinfectants, insecticides, fungicides, and other biocides.
- 420. Embalming fluids and related products.
- 430. Sterilizing and preserving solutions.
- 440. Industrial detergents and soaps.
- 450. Cleaning solutions (including household detergents).
- 470. Theater sprays, incense, and room deodorants.
- 481. Photoengraving and rotogravure dyes and solutions.
- 482. Other dye solutions.
- 485. Miscellaneous solutions (including duplicating fluids).

## (2) As a raw material:

- 530. Ethylamines.
- 540. Dyes and intermediates.
- 575. Drugs and medicinal chemicals.
- 576. Organo-silicone products.
- 579. Other chemicals.
- 590. Synthetic resins.

## (3) As a fuel:

- 611. Automobile and supplementary fuels.
- 612. Airplane and supplementary fuels.
- 613. Rocket and jet fuels.
- 620. Proprietary heating fuels.
- 630. Other fuel uses.

## (4) As a fluid:

- 710. Scientific instruments.
- 720. Brake fluids.
- 730. Cutting oils.
- 740. Refrigerating uses.
- 750. Other fluid uses.

## (5) Miscellaneous uses:

- 810. General laboratory and experimental use (own use only).
- 811. Laboratory reagents for sale.
- 812. Product development and pilot plant uses (own use only).
- 900. Specialized uses (unclassified).

(c) *Conditions governing use.* This formula shall not be used in manufacturing special industrial solvents under § 211.180 of this chapter, or reagent alcohol under § 211.199 of this chapter.

## § 21.38 Formula No. 4.

(a) *Formula.* To every 100 gallons of alcohol, or to every 100 gallons of rum of not less than 150 proof, add:

One gallon of the following solution:  
Five gallons of an aqueous solution containing 40 percent nicotine; 3.6 avoirdupois ounces of methylene blue, U.S.P.; and water sufficient to make 100 gallons.

(b) *Authorized uses.* (1) As a solvent:

- 460. Tobacco sprays and flavors.

## (2) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).

## § 21.39 Formula No. 6-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon of pyridine bases.

(b) *Authorized uses.* (1) As a raw material:

- 523. Miscellaneous ethyl esters.
- 574. Fulminate of mercury and other detonators.
- 575. Drugs and medicinal chemicals.
- 579. Other chemicals.

## (2) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).

## § 21.40 Formula No. 12-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of benzene, or 5 gallons of toluene.

(b) *Authorized uses.* (1) as a solvent:

- 021. Cellulose plastics.
- 022. Non-cellulose plastics, including resins.
- 036. Adhesives and binders.
- 342. Processing glandular products, vitamins, hormones, and yeasts.
- 343. Processing antibiotics and vaccines.
- 344. Processing medicinal chemicals (including alkaloids).
- 345. Processing blood and blood products.
- 351. Processing dyes and intermediates.
- 352. Processing perfume materials and fixatives.
- 354. Processing rosin.
- 358. Processing other chemicals.
- 359. Processing miscellaneous products.
- 430. Sterilizing and preserving solutions.

## (2) As a raw material:

- 523. Miscellaneous ethyl esters.
- 530. Ethylamines.
- 540. Dyes and intermediates.
- 575. Drugs and medicinal chemicals.
- 579. Other chemicals.

## (3) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).

## § 21.41 Formula No. 13-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

- 015. Candy glazes.
- 021. Cellulose plastics.
- 022. Non-cellulose plastics, including resins.
- 031. Photographic film and emulsions.
- 032. Transparent sheeting.
- 034. Cellulose intermediates and industrial collodions.
- 052. Inks (not including meat branding inks).
- 241. Collodion, U.S.P.
- 331. Processing pectin.
- 332. Processing other food products.
- 342. Processing glandular products, vitamins, hormones, and yeasts.
- 343. Processing antibiotics and vaccines.
- 344. Processing medicinal chemicals (including alkaloids).
- 345. Processing blood and blood products.
- 349. Miscellaneous drug processing (including manufacture of pills).
- 352. Processing perfume materials and fixatives.
- 353. Processing photographic chemicals.
- 358. Processing other chemicals.
- 359. Processing miscellaneous products.
- 430. Sterilizing and preserving solutions.
- 481. Photoengraving and rotogravure solutions and dyes.

## (2) As a raw material:

- 523. Miscellaneous ethyl esters.
- 561. Ethyl ether.
- 562. Other ethers.
- 575. Drugs and medicinal chemicals.
- 579. Other chemicals.

## (3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.42 Formula No. 17.

(a) *Formula.* To every 100 gallons of alcohol add:

Five-hundredths (0.05) gallon (6.4 fluid ounces) of bone oil (Dipple's oil).

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).

358. Processing other chemicals.

359. Processing miscellaneous products.

(2) As a raw material:

575. Drugs and medicinal chemicals.

579. Other chemicals.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.43 Formula No. 18.

(a) *Formula.* To every 100 gallons of alcohol of not less than 160 proof add:

One hundred gallons of vinegar of not less than 90-grain strength or 150 gallons of vinegar of not less than 60-grain strength.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.44 Formula No. 19.

(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.

034. Cellulose intermediates and industrial collodions.

241. Collodion, U.S.P.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.45 Formula No. 20.

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of chloroform.

(b) *Authorized uses.* (1) As a raw material:

579. Miscellaneous chemicals (chloroform).

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.46 Formula No. 22.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

420. Embalming fluids and related products.

430. Sterilizing and preserving solutions.

470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.47 Formula No. 23-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Eight gallons of acetone, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.

012. Synthetic resin coatings.

013. Shellac coatings.

014. Other natural resin coatings.

015. Candy glazes.

016. Other coatings.

032. Transparent sheeting.

034. Cellulose intermediates and industrial collodions.

035. Soldering flux.

036. Adhesives and binders.

042. Solvents and thinners (other than proprietary solvents or special industrial solvents).

052. Inks (including meat branding inks).

053. Stains (wood, etc.).

111. Hair and scalp preparations.

112. Bay rum.

113. Lotions and creams (hand, face, and body).

114. Body deodorants and deodorant creams.

141. Shampoos.

142. Soaps and bath preparations.

210. External pharmaceuticals, not U.S.P. or N.F.

244. Antiseptic solutions, U.S.P. or N.F.

249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

331. Processing pectin.

332. Processing other food products.

341. Processing crude drugs.

342. Processing glandular products, vitamins, hormones, and yeasts.

343. Processing antibiotics and vaccines.

344. Processing medicinal chemicals (including alkaloids).

345. Processing blood and blood products.

349. Miscellaneous drug processing (including manufacture of pills).

358. Processing other chemicals.

359. Processing miscellaneous products.

410. Disinfectants, insecticides, fungicides, and other biocides.

420. Embalming fluids and related products.

430. Sterilizing and preserving solutions.

440. Industrial detergents and soaps.

450. Cleaning solutions (including household detergents).

482. Miscellaneous dye solutions.

485. Miscellaneous solutions.

(2) As a fluid:

740. Refrigerating uses.

750. Miscellaneous fluid uses.

(3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.48 Formula No. 23-F.

(a) *Formula.* To every 100 gallons of alcohol add:

Three pounds of salicylic acid, U.S.P., 1 pound of resorcinol (resorcin), U.S.P., and 1 gallon of bergamot oil, N.F. XI or bay oil (myrcia oil), N.F. XI.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.

210. External pharmaceuticals, not U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.49 Formula No. 23-H.

(a) *Formula.* To every 100 gallons of alcohol add:

Eight gallons of acetone, U.S.P., and 1.5 gallons of methyl isobutyl ketone.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.

113. Lotions and creams (hand, face, and body).

210. External pharmaceuticals, not U.S.P. or N.F.

220. Rubbing alcohols.

410. Disinfectants, insecticides, fungicides, and other biocides.

450. Cleaning solutions (including household detergents).

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.50 Formula No. 25.

(a) *Formula.* To every 100 gallons of alcohol add:

Twenty pounds of iodine, U.S.P., and 15 pounds of either potassium iodide, U.S.P., or sodium iodide, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.

249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.51 Formula No. 25-A.

(a) *Formula.* To every 100 gallons of alcohol add:

A solution composed of 20 pounds of iodine, U.S.P.; 15 pounds of either potassium iodide, U.S.P., or sodium iodide, U.S.P.; and 15 pounds of water.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.

249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

**§ 21.52 Formula No. 27.**

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of rosemary oil, N.F. XII, and 30 pounds of camphor, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

210. External pharmaceuticals, not U.S.P. or N.F.

243. Liniments, U.S.P. or N.F.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

**§ 21.53 Formula No. 27-A.**

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-five pounds of camphor, U.S.P., and 1 gallon of clove oil, N.F.

(b) *Authorized uses.* (1) As a solvent:

210. External pharmaceuticals, not U.S.P. or N.F.

410. Disinfectants, insecticides, fungicides, and other biocides.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

**§ 21.54 Formula No. 27-B.**

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of lavender oil, N.F., and 100 pounds of green soap, U.S.P.

*Note.*—The requirements of this formula may be met by adding 1 gallon of lavender oil, N.F., and 66.5 pounds of U.S.P. quality soap concentrate containing 25 percent water to 100 gallons of alcohol and, after mixing, by adding thereto 33.5 pounds of water and again mixing.

(b) *Authorized uses.* (1) As a solvent:

141. Shampoos.

210. External pharmaceuticals, not U.S.P. or N.F.

243. Liniments, U.S.P. or N.F.

410. Disinfectants, insecticides, fungicides, and other biocides.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

**§ 21.55 Formula No. 28-A.**

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon or any combination totaling 1 gallon of either gasoline, unleaded gasoline, heptane, or rubber hydrocarbon solvent.

(b) *Authorized uses.* (1) As a fuel:

611. Automobile and supplementary fuels.

612. Airplane and supplementary fuels.

613. Rocket and jet fuels.

620. Proprietary heating fuels.

630. Other fuel uses.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

**§ 21.56 Formula No. 29.**

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of 100 percent acetaldehyde or 5 gallons of an alcohol solution of acetaldehyde containing not less than 20 percent acetaldehyde, or 1 gallon of ethyl acetate having an ester content of 100 percent, or, where approved by the Chief, Chemical Branch, as to material and quantity, not less than 6.8 pounds if solid, or 1 gallon if liquid, of any chemical. When material other than acetaldehyde or ethyl acetate is proposed to be used, the user shall submit an application for such use to the Chief, Chemical Branch. The application shall include specifications, assay methods, and an 8-ounce sample of the substitute material for analysis.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.

512. Acetic acid.

521. Ethyl acetate.

522. Ethyl chloride.

523. Other ethyl esters.

530. Ethylamines.

540. Dyes and intermediates.

551. Acetaldehyde.

552. Other aldehydes.

561. Ethyl ether.

562. Other ethers.

571. Ethylene dibromide.

572. Ethylene gas.

573. Xanthates.

575. Drugs and medicinal chemicals.

579. Other chemicals.

580. Synthetic rubber.

590. Synthetic resins.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula is restricted to processes in which the alcohol loses its identity by being converted into other chemicals.

**§ 21.57 Formula No. 30.**

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.

012. Synthetic resin coatings.

021. Cellulose plastics.

022. Non-cellulose plastics, including resins.

031. Photographic film and emulsions.

035. Soldering flux.

036. Adhesives and binders.

042. Solvents and thinners (other than proprietary solvents or special industrial solvents).

051. Polishes.

052. Inks (not including meat branding inks).

053. Stains.

142. Soap and bath preparations.

331. Processing pectin.

332. Processing other food products.

341. Processing crude drugs.

342. Processing glandular products, vitamins, hormones, and yeasts.

343. Processing antibiotics and vaccines.

344. Processing medicinal chemicals (including alkaloids).

345. Processing blood and blood products.

349. Miscellaneous drug processing (including manufacture of pills).

352. Processing perfume materials and fixatives.

353. Processing photographic chemicals.

358. Processing other chemicals.

359. Processing miscellaneous products.

410. Disinfectants, insecticides, fungicides, and other biocides.

430. Sterilizing and preserving solutions.

440. Industrial detergents and soaps.

450. Cleaning solutions (including household detergents).

481. Photoengraving and rotogravure solutions and dyes.

482. Other dye solutions.

485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

575. Drugs and medicinal chemicals.

576. Organo-silicone products.

579. Other chemicals.

590. Synthetic resins.

(3) As a fluid in:

740. Refrigerating uses.

750. Other fluid uses:

(4) Miscellaneous uses:

810. General laboratory and experimental use (own use only).

811. Laboratory reagents for sale.

812. Product development and pilot plant uses (own use only).

**§ 21.58 Formula No. 31-A.**

(a) *Formula.* To every 100 gallons of alcohol add:

One hundred pounds of glycerin (glycerol), U.S.P., and 20 pounds of hard soap, N.F. XI.

(b) *Authorized uses.* (1) As a solvent:

113. Lotions and creams (hands, face, and body).

131. Tooth paste and tooth powder.

141. Shampoos.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

**§ 21.59 Formula No. 32.**

(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.

034. Cellulose intermediates and industrial colloids.

052. Inks (not including meat branding inks).

241. Collodion, U.S.P.

311. Ethyl cellulose compounds (dehydration).

332. Processing miscellaneous food products.

342. Processing glandular products, vitamins, hormones, and yeasts.

343. Processing antibiotics and vaccines.

344. Processing medicinal chemicals (including alkaloids).  
 430. Sterilizing and preserving solutions.  
 481. Photoengraving and rotogravure solutions and dyes.

## (2) As a raw material:

522. Ethyl chloride.  
 523. Other ethyl esters.  
 561. Ethyl ether.  
 562. Other ethers.  
 571. Ethylene dibromide.  
 572. Ethylene gas.  
 575. Drugs and medicinal chemicals.  
 579. Other chemicals.  
 580. Synthetic rubber.

## (3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.60 Formula No. 33.

(a) *Formula.* To every 100 gallons of alcohol add:

Thirty pounds of gentian violet or gentian violet, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

052. Inks (not including meat branding inks).  
 210. External pharmaceuticals, not U.S.P. or N.F.  
 249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* Meat branding inks made with Formula No. 33 do not meet U.S. Department of Agriculture meat inspection specifications for use in Federally inspected establishments. Specially denatured alcohol Formulas No. 3-A, 3-C, and 23-A are authorized for this purpose.

## § 21.61 Formula No. 35.

(a) *Formula.* To every 100 gallons of alcohol add:

29.75 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 35 gallons of ethyl acetate with an ester content of not less than 85 percent by weight.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.62 Formula No. 35-A.

(a) *Formula.* To every 100 gallons of alcohol add:

4.25 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 5 gallons of ethyl acetate with an ester content of not less than 85 percent by weight.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.  
 331. Processing pectin.  
 332. Processing other food products.  
 342. Processing glandular products, vitamins, hormones, and yeasts.  
 343. Processing antibiotics and vaccines.  
 344. Processing medicinal chemicals (including alkaloids).  
 349. Miscellaneous drug processing (including manufacture of pills).  
 358. Processing miscellaneous chemicals.  
 359. Processing miscellaneous products.

## (2) As a raw material:

511. Vinegar.  
 512. Acetic acid.  
 521. Ethyl acetate.  
 523. Other ethyl esters.  
 590. Synthetic resins.  
 910. Animal feed supplements.

## (3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.63 Formula No. 36.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of ammonia, aqueous, 27 to 30 percent by weight; 3 gallons of strong ammonia solution, N.F.; 17.5 pounds of caustic soda, liquid grade, containing 50 percent sodium hydroxide by weight; or 12.0 pounds of caustic soda, liquid grade, containing 73 percent sodium hydroxide by weight.

(b) *Authorized uses.* (1) As a solvent:

141. Shampoos.  
 142. Soap and bath preparations.  
 210. External pharmaceuticals, not U.S.P. or N.F.  
 450. Cleaning solutions (including household detergents).

## (2) As a raw material:

530. Ethylamines.  
 540. Dyes and intermediates.  
 579. Other chemicals.

## (3) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.64 Formula No. 37.

(a) *Formula.* To every 100 gallons of alcohol add:

Forty-five fluid ounces of eucalyptol, N.F. XII, 30 avoirdupois ounces of thymol, N.F., and 20 avoirdupois ounces of menthol, U.S.P.

(a) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.  
 112. Bay rum.  
 113. Lotions and creams (hand, face, and body).  
 131. Dentifrices.  
 132. Mouth washes.  
 210. External pharmaceuticals, not U.S.P. or N.F.  
 244. Antiseptic solutions, U.S.P. or N.F.  
 410. Disinfectants, insecticides, fungicides, and other biocides.  
 430. Sterilizing and preserving solutions.

470. Theater sprays, incense, and room deodorants.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.65 Formula No. 38-B.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of any one, or a total of 10 pounds of two or more, of the oils and substances listed below:

- Anethole, N.F.  
 Anise oil, N.F.  
 Bay oil (myrcia oil), N.F. XI.  
 Benzaldehyde, N.F.  
 Bergamot oil, N.F. XI.  
 Bitter almond oil, N.F. X.  
 Camphor, U.S.P.  
 Cedar leaf oil, U.S.P. XIII.  
 Chlorothymol, N.F. XII.  
 Cinnamic aldehyde, N.F. IX.  
 Cinnamon oil, N.F.  
 Citronella oil, natural.  
 Clove oil, N.F.  
 Coal tar, U.S.P.  
 Eucalyptol, N.F. XII.  
 Eucalyptus oil, N.F.  
 Eugenol, U.S.P.  
 Guaiacol, N.F. X.  
 Lavender oil, N.F.  
 Menthol, U.S.P.  
 Methyl salicylate, N.F.  
 Mustard oil, volatile (allyl isothiocyanate), U.S.P. XII.  
 Peppermint oil, N.F.  
 Phenol, U.S.P.  
 Phenyl salicylate (salol), N.F. XI.  
 Pine oil, N.F. XII.  
 Pine needle oil, dwarf, N.F.  
 Rosemary oil, N.F. XII.  
 Safrole.  
 Sassafras oil, N.F. XI.  
 Spearmint oil, N.F.  
 Spearmint oil, terpeneless.  
 Spike lavender oil, natural.  
 Storax, U.S.P.  
 Thyme oil, N.F. XII.  
 Thymol, N.F.  
 Tolu balsam, U.S.P.  
 Turpentine oil, N.F. XI.

If it is shown that none of the above single denaturants or combinations can be used in the manufacture of a particular product, the user may submit an application to the Chief, Chemical Branch, requesting permission to use another essential oil or substance having denaturing properties satisfactory to the Chief, Chemical Branch. In such a case the user shall furnish the Chief, Chemical Branch, with specifications, assay methods, the name and address of the manufacturer, and an 8-ounce sample of the denaturant for analysis.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.  
 112. Bay rum.  
 113. Lotions and creams (hand, face, and body).  
 114. Deodorants (body).  
 121. Perfumes and perfume tinctures.  
 122. Toilet waters and colognes.  
 131. Dentifrices.

132. Mouth washes.  
 141. Shampoos.  
 142. Soap and bath preparations.  
 210. External pharmaceuticals, not U.S.P. or N.F.  
 243. Liniments, U.S.P. or N.F.  
 244. Antiseptic solutions, U.S.P. or N.F.  
 249. Miscellaneous external pharmaceuticals, U.S.P. or N.F.  
 349. Miscellaneous drug processing (including manufacture of pills).  
 410. Disinfectants, insecticides, fungicides, and other biocides.  
 430. Sterilizing and preserving solutions.  
 470. Theater sprays, incense, and room deodorants.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.66 Formula No. 38-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of menthol, U.S.P., and 1.25 gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.  
 132. Mouth washes.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.67 Formula No. 38-D.

(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half pounds of menthol, U.S.P., and 2.5 gallons of formaldehyde solution, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.  
 132. Mouth washes.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.68 Formula No. 38-F.

(a) *Formula.* To every 100 gallons of alcohol add:

(1) Six pounds of either boric acid, N.F., or Polysorbate 80, N.F.; 1½ pounds of thymol, N.F.; 1½ pounds of chlorothymol, N.F. XII; and 1½ pounds of menthol, U.S.P.; or

(2) A total of at least 3 pounds of any two or more denaturing materials listed under Formula No. 38-B, plus sufficient boric acid, N.F., or Polysorbate 80, N.F., to total 10 pounds of denaturant; or

(3) Seven pounds of zinc chloride, U.S.P., 2.6 fluid ounces of hydrochloric acid, N.F., and a total of 3 pounds of any two or more of the denaturing materials listed under Formula No. 38-B.

(b) *Authorized uses.* (1) As a solvent:

132. Mouth washes.  
 210. External pharmaceuticals, not U.S.P. or N.F.  
 244. Antiseptic solutions, U.S.P. or N.F.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.69 Formula No. 39.

(a) *Formula.* To every 100 gallons of alcohol add:

Nine pounds of sodium salicylate, U.S.P., or salicylic acid, U.S.P.; 1.25 gallons of fluid extract of quassia, N.F. VII; and ¼ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.  
 112. Bay rum.  
 113. Lotions and creams (hand, face, and body).  
 121. Perfume and perfume tinctures.  
 122. Toilet waters and colognes.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.70 Formula No. 39-A.

(a) *Formula.* To every 100 gallons of alcohol add:

Sixty avoirdupois ounces of any one of the following alkaloids or salts together with ¼ gallon of *tert*-butyl alcohol:

- Quinine, N.F. X.  
 Quinine bisulfate, N.F. XI.  
 Quinine dihydrochloride, N.F. XI.  
 Cinchonidine.  
 Cinchonidine sulfate, N.F. IX.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.  
 122. Toilet waters and colognes.  
 141. Shampoos.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.71 Formula No. 39-B.

(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half gallons of diethyl phthalate and ¼ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.  
 112. Bay rum.  
 113. Lotions and creams (hand, face, and body).  
 114. Deodorants (body).  
 121. Perfumes and perfume tinctures.  
 122. Toilet waters and colognes.  
 141. Shampoos.  
 142. Soap and bath preparations.  
 210. External pharmaceuticals, not U.S.P. or N.F.  
 410. Disinfectants, insecticides, fungicides, and other biocides.  
 450. Cleaning solutions (including household detergents).  
 470. Theater sprays, incense, and room deodorants.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.72 Formula No. 39-C.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of diethyl phthalate.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.  
 113. Lotions and creams (hand, face, and body).  
 114. Deodorants (body).  
 121. Perfumes and perfume tinctures.  
 122. Toilet waters and colognes.  
 142. Soaps and bath preparations.  
 470. Theater sprays, incense, and room deodorants.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.73 Formula No. 39-D.

(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of bay oil (myrcia oil), N.F. XI, and either 50 avoirdupois ounces of quinine sulfate, U.S.P., 50 avoirdupois ounces of sodium salicylate, U.S.P.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.  
 112. Bay rum.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.74 Formula No. 40.

(a) *Formula.* To every 100 gallons of alcohol add ¼ gallon of *tert*-butyl alcohol, and:

One and one-half avoirdupois ounces of either (1) brucine alkaloid, (2) brucine sulfate, N.F. IX, (3) quassia, or (4) any combination of two or three of those denaturants.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.  
 112. Bay rum.  
 113. Lotions and creams (hand, face, and body).  
 114. Deodorants (body).  
 121. Perfumes and perfume tinctures.  
 122. Toilet waters and colognes.  
 141. Shampoos.  
 142. Soaps and bath preparations.  
 210. External pharmaceuticals, not U.S.P. or N.F.  
 410. Disinfectants, insecticides, fungicides, and other biocides.  
 450. Cleaning solutions (including household detergents).  
 470. Theater sprays, incense, and room deodorants.

## (2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

## § 21.75 Formula No. 40-A.

(a) *Formula.* To every 100 gallons of alcohol add:

One pound of sucrose octaacetate and  $\frac{1}{4}$  gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

- 111. Hair and scalp preparations.
- 112. Bay rum.
- 113. Lotions and creams (hand, face, and body).
- 114. Deodorants (body).
- 121. Perfumes and perfume tinctures.
- 122. Toilet waters and colognes.
- 141. Shampoos.
- 142. Soaps and bath preparations.
- 210. External pharmaceuticals, not U.S.P. or N.F.
- 410. Disinfectants, insecticides, fungicides, and other biocides.
- 450. Cleaning solutions (including household detergents).
- 470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).

§ 21.76 Formula No. 40-B.

(a) *Formula.* To every 100 gallons of alcohol add:

One-sixteenth avoirdupois ounce of denatonium benzoate, N.F. (BITREX), and  $\frac{1}{4}$  gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

- 111. Hair and scalp preparations.
- 112. Bay rum.
- 113. Lotions and creams (hand, face, and body).
- 114. Deodorants (body).
- 121. Perfumes and perfume tinctures.
- 122. Toilet waters and colognes.
- 141. Shampoos.
- 142. Soaps and bath preparations.
- 210. External pharmaceuticals, not U.S.P. or N.F.
- 410. Disinfectants, insecticides, fungicides, and other biocides.
- 450. Cleaning solutions (including household detergents).
- 470. Theater sprays, incense, and room deodorants.

(2) Miscellaneous uses:

- 812. Product development and pilot plant uses (own use only).

21.77 Formula No. 40-C.

(a) *Formula.* To every 100 gallons of alcohol add:

Three gallons of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

- 111. Hair and scalp preparations.
- 112. Bay rum.
- 113. Lotions and creams (hand, face, and body).
- 114. Deodorants (body).
- 121. Perfumes and perfume tinctures.
- 122. Toilet waters and colognes.
- 141. Shampoos.
- 142. Soaps and bath preparations.
- 210. External pharmaceuticals, not U.S.P. or N.F.
- 410. Disinfectants, insecticides, fungicides, and other biocides.

450. Cleaning solutions (including household detergents).

470. Theater sprays, incense, and room deodorants.

485. Miscellaneous solutions.

(2) Miscellaneous uses.

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula shall be used only in the manufacture of products which will be packaged in pressurized containers in which the liquid contents are in intimate contact with the propellant and from which the contents are not easily removable in liquid form.

§ 21.78 Formula No. 42.

(a) *Formula.* To every 100 gallons of alcohol add:

(1) Eighty grams of potassium iodide, U.S.P., and 109 grams of red mercuric iodide, N.F. XI; or

(2) Ninety-five grams of thimerosal, U.S.P.; or

(3) Seventy-six grams of any of the following: phenyl mercuric nitrate, N.F.; phenyl mercuric chloride, N.F. IX; or phenyl mercuric benzoate.

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.79 Formula No. 44.

(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of *n*-butyl alcohol

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.80 Formula No. 45.

(a) *Formula.* To every 100 gallons of alcohol add:

Three hundred pounds of refined white or orange shellac.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

§ 21.81 Formula No. 46.

(a) *Formula.* To every 100 gallons of alcohol add:

Twenty-five fluid ounces of phenol, U.S.P., and 4 fluid ounces of methyl salicylate, N.F.

(b) *Authorized uses.* (1) As a solvent:

220. An antiseptic, sterilizing, and bathing solution having restricted use.

(2) Miscellaneous uses:

812. Product development and pilot plant uses (own use only).

(c) *Conditions governing use.* This formula may be used only by institutions and organizations which are of a semipublic character and engaged in charitable work.

Subpart E—Specifications for Denaturants

§ 21.91 General.

Denaturants prescribed in this part shall comply with the specifications set forth in this subpart. However, in order to meet requirements of national defense or for other valid reasons, the Director may, pursuant to written application filed by the denaturer, authorize variations from such specifications or authorize the use of substitute denaturants if such variation or substitution will not jeopardize the revenue. Each such application shall identify the applicant by name, address, and permit number; state the number of each formula of specially denatured alcohol involved; explain why the use of the substitute denaturant, or the variation from specifications, as the case may be, is necessary; and include, as applicable, either the identity of the approved denaturant for which substitution is desired and the identity of the substitute denaturant (including the name of the manufacturer) or the identity of the prescribed specifications and the proposed variation from those specifications. The application shall be accompanied by an 8-ounce sample of the proposed denaturing material for analysis.

§ 21.92 Denaturants listed as U.S.P. or N.F.

Denaturing materials and products listed in this part as "U.S.P." or "N.F." shall meet the specifications set forth in the current United States Pharmacopoeia or National Formulary, or the latest volume of these publications in which the denaturants appeared as official preparations.

§ 21.93 Acetaldehyde.

(a) *Aldehyde content (as acetaldehyde).* Not less than 95.0 percent by weight.

(b) *Color.* Colorless.

(c) *Odor.* Characteristic pungent, fruity odor.

(d) *Specific gravity at 15.56°/15.56° C.* Not less than 0.7800.

§ 21.94 Acetaldo.

(a) *Purity.* Not less than 90 percent by weight acetaldo as determined by the following method:

Dissolve 15 grams of the acetaldo in distilled water and dilute to 1 liter in a volumetric flask. Transfer 5 ml of this solution to a 250 ml glass-stoppered flask containing 25 ml distilled water. Add 25 ml of a freshly prepared 1 percent sodium bisulfite solution. Prepare a blank omitting the acetaldo solution. Place the flasks in a dark place away from excessive heat or cold and allow to stand six hours. Remove flasks and titrate free bisulfite with 0.1 N iodine solution using starch indicator.

Percent acetaldo by weight =  $(\text{ml blank} - \text{ml test}) \times 200 \times 0.44 / \text{weight of sample}$

Titration in excess of 100 percent may be obtained if the sample contains appreciable amounts of acetaldehyde.

(b) *Specific gravity at 20° C.* 1.098 to 1.105.

#### § 21.95 Ammonia, aqueous.

(a) *Alkalinity.* Strongly alkaline to litmus.

(b) *Ammonia content.* 27 to 30 percent by weight. Accurately weigh a glass-stoppered flask containing 25 ml of water, add about 2 ml of the sample, stopper, and weigh again. Add methyl red indicator, and titrate with 1 N sulfuric acid. Each ml of 1 N sulfuric acid is equivalent to 17.03 mg of  $\text{NH}_3$ .

(c) *Color.* Colorless liquid.

(d) *Non-volatile residue.* 2 mg maximum. Dilute a portion of the sample with 1½ times its volume of distilled water. Evaporate 10 ml of this product to dryness in a tared platinum or porcelain dish. Dry residue at 105° C. for 1 hour, cool and weigh.

(e) *Odor.* Characteristic (exceedingly pungent).

(f) *Specific gravity at 20°/4° C.* 0.8920 to 0.9010.

#### § 21.96 Benzene.

(a) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 573, Standard No. D 838-77; for incorporation by reference, see § 21.6(b).) When 100 ml of benzene are distilled by this method, not more than 1 ml should distill below 77° C., and not less than 95 ml below 85° C.

(b) *Odor.* Characteristic odor.

(c) *Specific gravity at 15.6°/15.6° C.* 0.875 to 0.886.

(d) *Water solubility.* When 10 ml of benzene are shaken with an equal volume of water in a glass-stoppered bottle, graduated to 0.1 ml, and allowed to stand 5 minutes to separate, the upper layer of liquid shall measure not less than 9.5 ml.

#### § 21.97 Bone oil (Dipple's oil).

(a) *Color.* The color shall be a deep brown.

(b) *Distillation range.* When 100 ml are distilled in the manner described for

pyridine bases, not more than 5.0 ml should distill below 90° C.

(c) *Pyrrhol reaction.* Prepare a 1.0 percent solution of bone oil in 95 percent alcohol. Prepare a second solution containing 0.025 percent bone oil by diluting 2.50 ml of the first solution to 100 ml with 95 percent alcohol. Dip a splinter of pine, previously moistened with concentrated hydrochloric acid, into 10 ml of the 0.025 percent bone oil solution. After a few minutes the splinter should show a distinct red coloration.

(d) *Reaction with mercuric chloride.*

Add 5 ml of the 1.0 percent bone oil solution above to 5 ml of a 2 percent alcoholic solution of mercuric chloride. A turbidity is formed at once which separates into a flocculent precipitate on standing several minutes. Add 5.0 ml of the 0.025 percent bone oil solution to 5.0 ml of a 2.0 percent alcoholic solution of mercuric chloride. A faint turbidity appears after several minutes.

#### § 21.98 Brucine alkaloid.

(a) *Identification test.* Add a few drops of concentrated nitric acid to about 10 mg of brucine alkaloid. A vivid red color is produced. Dilute the red solution with a few drops of water and add a few drops of freshly made dilute stannous chloride solution. A reddish purple (violet) color is produced.

(b) *Melting point.*  $178^\circ \pm 1^\circ$  C. Dry the alkaloid in an oven for one hour at 100° C., increase the temperature to 110° and dry to a constant weight before taking melting point.

*Note.*—Brucine alkaloid tetrahydrate melts at 105° C. while the anhydrous form melts at 178° C.

(c) *Strychnine test.* Brucine alkaloid shall be free of strychnine when tested by the method listed under Brucine Sulfate, N.F. IX.

*Note.*—If the brucine contains as much as 0.05 percent strychnine, a clear distinctive violet color, characteristic of strychnine, will be obtained.

(d) *Sulfate test.* No white precipitate is formed that is not dissolved by hydrochloric acid when several drops of a 1 N barium chloride solution are added to 10 ml of a solution of the alkaloid.

#### § 21.99 n-Butyl alcohol.

(a) *Acidity (as acetic acid).* 0.03 percent by weight maximum.

(b) *Color.* Colorless.

(c) *Dryness at 20° C.* Miscible without turbidity with 10 volumes of 80° Bé. gasoline.

(d) *Odor.* Characteristic odor.

(e) *Specific gravity at 20°/20° C.* 0.810 to 0.815.

#### § 21.100 tert-Butyl alcohol.

(a) *Acidity (as acetic acid).* 0.003 percent by weight maximum.

(b) *Color.* Colorless.

(c) *Distillation range.* When 100 ml of tertiary butyl alcohol are distilled, none should distill below 78° C. and none above 85° C. More than 95 percent should distill between 81°—83° C.

(d) *Dryness at 20° C.* Miscible without turbidity with 19 volumes of 60° Bé. gasoline.

(e) *Freezing point (first needle).* Above 20° C.

(f) *Identification test.* Place five drops of a solution containing approximately 0.1 percent tertiary butyl alcohol in ethyl alcohol in a test tube. Add 2 ml of Denigé's reagent (dissolve 5 grams of red mercuric oxide in 20 ml of concentrated sulfuric acid; add this solution to 80 ml of distilled water, and filter when cool). Heat the mixture just to the boiling point and remove from the flame. A yellow precipitate forms within a few seconds.

(g) *Nonvolatile matter.* Less than 0.005 percent by weight.

(h) *Odor.* Characteristic odor.

(i) *Residual odor after evaporation.* None.

(j) *Specific gravity at 25°/25° C.* 0.780 to 0.786.

#### § 21.101 Caustic soda, liquid.

(a) The liquid caustic soda may consist of either 50 percent or 73 percent by weight sodium hydroxide in aqueous solution. The amount of caustic soda used shall be such that each 100 gallons of alcohol will contain not less than 8.76 pounds of sodium hydroxide, anhydrous basis.

(b) *Color.* A 2 percent solution of the sodium hydroxide in water shall be water-white.

(c) *Assay.* The sodium hydroxide content of the caustic soda solution shall be determined by the following procedure:

Accurately weigh 2 grams of liquid caustic soda into a 100 ml volumetric flask, dissolve, and dilute to the mark with distilled water at room temperature. Transfer a 25 ml aliquot of the solution to a titration flask, add 10 ml of 1 percent barium chloride solution, 0.2 ml of 1 percent phenolphthalein indicator, and 50 ml of distilled water. Titrate with 0.25 N hydrochloric acid to the disappearance of the pink color. Not less than 25 ml of the hydrochloric acid shall be required to neutralize the sample of diluted 50 percent caustic soda, and not less than 36.5 ml of the hydrochloric acid shall be required to neutralize the sample of diluted 73 percent caustic soda.

One ml of 0.25 N hydrochloric acid equals 0.01 gram of sodium hydroxide (anhydrous).

**§ 21.102 Chloroform.**

- (a) *Odor.* Characteristic odor.  
 (b) *Specific gravity at 25°/25° C.* Not less than 1.400.

**§ 21.103 Cinchonidine.**

- (a) *Melting point.* 208° to 210° C.  
 (b) *Color.* White powder.  
 (c) *Taste.* Bitter.  
 (d) *Test.* A solution of cinchonidine in dilute sulfuric acid shall not have more than a faint blue fluorescence [to distinguish from quinine and quinoidine].

**§ 21.104 Citronella oil, natural.**

- (a) *Java type:*  
 (1) *Alcohol content (as Geraniol).* Not less than 85 percent by weight.  
 (2) *Aldehyde content (as Citronellal).* Not less than 30 percent by weight.  
 (3) *Refractive index at 20° C.* 1.4660 to 1.4745.  
 (4) *Specific gravity at 25°/25° C.* 0.875 to 0.893.  
 (5) *Odor.* Characteristic odor.  
 (b) *Ceylon type:*  
 (1) *Alcohol content (as Geraniol).* Not less than 55 percent by weight.  
 (2) *Aldehyde content (as Citronellal).* Not less than 7 percent by weight.  
 (3) *Refractive index at 20° C.* 1.4790 to 1.4850.  
 (4) *Specific gravity at 25°/25° C.* 0.891 to 0.904.  
 (5) *Odor.* Characteristic odor.

**§ 21.105 Diethyl phthalate.**

- (a) *Refractive index at 25° C.* 1.497 to 1.502.  
 (b) *Color.* Colorless.  
 (c) *Odor.* Practically odorless.  
 (d) *Solubility.* Soluble in 20 parts of 60 percent alcohol.  
 (e) *Specific gravity at 25°/25° C.* 1.115 to 1.118.  
 (f) *Ester content (as diethyl phthalate).* Not less than 99 percent by weight.

*Note.*—The sample taken for ester determination should be approximately 0.8 gram. The number of ml of 0.5 N potassium hydroxide used in saponification multiplied by 0.05555 indicates the number of grams of ester in the sample taken for assay.

**§ 21.106 Ethyl acetate.**

- (a) *85 percent ester:*  
 (1) *Acidity (as acetic acid).* Not more than 0.015 percent by weight.  
 (2) *Color.* Colorless.  
 (3) *Odor.* Characteristic odor.  
 (4) *Ester content.* Not less than 85 percent by weight.  
 (5) *Specific gravity at 20°/20° C.* Not less than 0.882.  
 (6) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 70, Standard No. D 302-58 (1975); for

incorporation by reference, see § 21.6(b).) When 100 ml of ethyl acetate are distilled by this method, none shall distill below 70° C., not more than 10 ml shall distill below 72° C., and none above 80° C.

- (b) *100 percent ester:*  
 (1) *Acidity (as acetic acid).* Not more than 0.010 percent by weight.  
 (2) *Color.* Colorless.  
 (3) *Odor.* Characteristic odor.  
 (4) *Ester content.* Not less than 99 percent by weight.  
 (5) *Specific gravity at 20°/20° C.* Not less than 0.899.  
 (6) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 433, Standard No. D 3127-77; for incorporation by reference, see § 21.6(b).) When 100 ml of ethyl acetate are distilled by this method, not more than 2 ml shall distill below 75° C., and none above 80° C. (760 mm).

**§ 21.107 Ethyl ether.**

- (a) *Odor.* Characteristic odor.  
 (b) *Specific gravity at 15.56°/15.56° C.* Not more than 0.728.

**§ 21.108 Gasoline.**

- (a) *Distillation range.* When 100 ml of gasoline are distilled, none shall distill below 90° F. Not more than 5 ml shall be collected below 140° F., and not less than 50 ml shall distill below 230° F.  
 (b) *Odor.* Characteristic odor.

**§ 21.109 Gasoline, unleaded.**

Conforms to specifications as established by the American Society for Testing and Materials (ASTM) in the 1980 Annual Book of ASTM Standards, Part 23, page 229, Standard No. D 439-79. Any of the "seasonal and geographical" volatility classes for unleaded gasoline are considered suitable as a denaturant. (For incorporation by reference, see § 21.6(b).)

**§ 21.110 Gentian violet.**

- (a) Gentian violet (methyl violet, methyrosaniline chloride) occurs as a dark green powder or crystals having metallic luster.  
 (b) *Arsenic content.* Not more than 15 ppm. (as As<sub>2</sub>O<sub>3</sub>) as determined by the applicable U.S.P. method.  
 (c) *Identification test.* Sprinkle about 1 mg of sample on 1 ml of sulfuric acid; it dissolves in the acid with an orange or brown-red color. When this solution is diluted cautiously with water, the color changes to brown, then to green, and finally to blue.  
 (d) *Insoluble matter.* Not to exceed 0.25 percent when tested by the following method:

Transfer 1.0 gram of sample to a 150 ml beaker containing 50 ml of alcohol. Stir to complete solution and filter through a weighed Whatman No. 4 filter paper. Wash residue with small amounts of alcohol totaling about 50 ml. Dry paper in oven for 30 minutes at 80° C. and weigh. Calculate insoluble material.

**§ 21.111 Heptane.**

- (a) *Distillation range.* No distillate should come over below 200° F. and none above 211° F.  
 (b) *Odor.* Characteristic odor.

**§ 21.112 Isopropyl alcohol.**

- Specific gravity at 15.56°/15.56° C.* 0.810 maximum.

**§ 21.113 Kerosene.**

(a) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 25, page 395, Standard No. D 3699-78 for burner fuel; see Part 23, page 849, Standard Nos. D 1655-80a for aviation turbine fuels and D 86-78 for distillation of petroleum products; for incorporation by reference, see § 21.6(b).) No distillate should come over below 340° F. and none above 570° F.

- (b) *Flash point.* 115° F. minimum.  
 (c) *Odor.* Characteristic odor.

**§ 21.114 Kerosene (deodorized).**

- (a) *Distillation range.* No distillate should come over below 340° F. and none above 570° F.  
 (b) *Flash point.* 155° F. minimum.

**§ 21.115 Methyl alcohol.**

- Specific gravity at 15.56°/15.56° C.* 0.810 maximum.

**§ 21.116 Methyl isobutyl ketone.**

- (a) *Acidity (as acetic acid).* 0.02 percent by weight, maximum.  
 (b) *Color.* Colorless.  
 (c) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 147, Standard No. D 1153-77; for incorporation by reference, see § 21.6(b).) No distillate should come over below 111° C. and none above 117° C.  
 (d) *Odor.* Characteristic odor.  
 (e) *Specific gravity at 20°/20° C.* 0.799 to 0.804.

**§ 21.117 Methyl n-butyl ketone.**

- (a) *Acidity (as acetic acid).* 0.02 percent by weight, maximum.  
 (b) *Color.* Colorless.  
 (c) *Odor.* Characteristic odor.  
 (d) *Refractive index at 20° C.* 1.396 to 1.404.

(e) *Specific gravity at 20°/20° C.* 0.800 to 0.835.

(f) *Distillation range.* No distillate should come over below 123° C. and none above 129° C.

#### § 21.118 Nicotine solution.

(a) *Composition.* Five gallons of an aqueous solution containing 40 percent nicotine; 3.6 avoirdupois ounces of methylene blue, U.S.P.; water sufficient to make 100 gallons.

(b) *Color.* One ml of the nicotine solution (previously agitated in the presence of air) is measured into 100 ml of water and thoroughly mixed. Fifty ml of this colored solution is compared, using Nessler tubes, with 50 ml of a standard color solution containing 5 grams of  $\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$ , C.P. in 100 ml of water. The color intensity of the solution tested should be equal to or greater than that of the standard solution.

(c) *Nicotine content.* The above solution must contain not less than 1.88 percent of nicotine determined by the following process: 20 ml of the solution are measured into a 500 ml Kjeldahl flask provided with a suitable bulb tube, 50 ml of 0.1 N NaOH added and the mixture distilled in a current of steam until the distillate is no longer alkaline (about 500 ml). The distillate is then titrated with 0.1 N  $\text{H}_2\text{SO}_4$ , using rosolic acid or methyl red as indicator. Not less than 23.2 ml should be required for neutralization.

#### § 21.119 Nitropropane, mixed isomers of.

(a) *Nitropropane content.* A minimum of 94 percent by weight.

(b) *Total nitroparaffin content.* A minimum of 99 percent by weight.

(c) *Distillation range.* 119° to 113° C.

(d) *Specific gravity at 20°/20° C.* 0.992 to 1.003.

#### § 21.120 Phenyl mercuric benzoate.

(a) *Assay (as phenyl mercuric benzoate).* Not less than 99.0 percent by weight.

(b) *Melting point.* Not less than 94° C.

#### § 21.121 Pyridine bases.

(a) *Alkalinity.* One ml of pyridine bases dissolved in 10 ml of water is titrated with 1 N  $\text{H}_2\text{SO}_4$  until a drop of the mixture placed upon Congo paper shows a distinct blue border, which soon disappears. A minimum of 9.5 ml of the acid must be required for the end point. (Congo paper: filter paper treated with 0.1 percent aqueous solution of Congo red and dried.)

(b) *Distillation range.* One hundred ml of the denaturant are distilled in the following manner: The sample is placed in a short-necked glass flask of about 200 ml capacity which is rested on an

asbestos plate having a circular opening of 30 mm in diameter. The neck of this flask is fitted with a fractionating tube 12 mm in diameter and 170 mm long and having a bulb just 1 cm below the side tube which is connected with a Liebig condenser having a water jacket not less than 400 mm in length. A standardized thermometer is placed in the fractionating tube so that the mercury bulb is suspended in the center of the fractionating bulb. Heat is applied slowly and in such manner that 5 ml of distillate is collected per minute in a graduated cylinder. At least 50 ml must distill at or below 140° C. and at least 90 ml below 160° C.

(c) *Reactions.* Dissolve 1 ml of pyridine bases in 100 ml of water.

(1) Ten ml of this solution are treated with 5 ml of 5 percent aqueous solution of anhydrous fused  $\text{CaCl}_2$  and the mixture vigorously shaken. An abundant crystalline separation should occur within 10 minutes.

(2) Ten ml of the pyridine solution mixed with 50 ml of Nessler's reagent must give a white precipitate.

(d) *Water content.* Twenty ml of pyridine bases are shaken with 20 ml of a caustic soda solution having a specific gravity of 1.40 (15.56°/15.56° C.) and the mixture allowed to stand until completely separated into two layers. The amount of pyridine base layer should be 18.5 ml, minimum.

#### § 21.122 Pyronate.

Pyronate is a product of the destructive distillation of hardwood meeting the following requirements:

(a) *Acidity (as acetic acid).* Not more than 0.1 percent by weight, determined as follows:

Add 5.0 ml sample to 100 ml distilled water in an Erlenmeyer flask and titrate with 0.1 N NaOH to a bromthymol blue endpoint.

(b) *Color.* The color shall be no darker than the color produced by 2.0 grams of potassium dichromate in 1 liter of water. The comparison shall be made in 4-ounce oil sample bottles viewed crosswise.

(c) *Distillation range.* When 100 ml are distilled not more than 5 ml shall distill below 70° C., not less than 50 ml below 160° C., and not less than 90 ml below 205° C.

*Note.*—Any material submitted as pyronate must agree in color, odor, taste and denaturing value with a standard sample furnished by the Bureau of Alcohol, Tobacco and Firearms to chemists authorized to examine samples of denaturants.

#### § 21.123 Quassin.

(a) Quassin is the bitter principle of quassia wood (occurring as a mixture of

two isomeric forms). It shall be a good commercial grade of purified amorphous quassin, standardized as to bitterness.

(b) *Bitterness.* An aqueous solution of quassin shall be distinctly bitter at a 1 to 250,000 dilution. To test: Dissolve 0.1 gram of quassin in 100 ml of 95 percent alcohol, then dilute 4 ml of the solution to 1,000 ml with distilled water, mix well and taste.

(c) *Identification test.* Dissolve about 0.5 gram of quassin in 10 ml of 95 percent alcohol and filter. To 5 ml of the filtrate, add 5 ml of concentrated hydrochloric acid and 1 mg of phloroglucinol and mix well. A red color develops.

(d) *Optical assay.* When 1 gram of quassin (in solution in a small amount of 95 percent alcohol) is dissolved in 10,000 ml of water, the absorbance of the solution in a 1 cm cell at a wavelength of 258 millimicrons shall not be less than 0.400.

(e) *Solubility.* When 0.5 gram of quassin is added to 25 ml of 190 proof alcohol, it shall dissolve completely.

#### § 21.124 Rubber hydrocarbon solvent.

(a) Rubber hydrocarbon solvent is a petroleum derivative.

(b) *Distillation range.* When 10 percent of the sample has been distilled into a graduated receiver, the thermometer shall not read more than 170° F. nor less than 90° F. When 90 percent has been recovered in the receiver the thermometer shall not read more than 250° F.

#### § 21.125 Saffrole.

(a) *Congeeing point.* 10.0° to 11.2° C.

(b) *Refractive index at 20° C.* 1.5363 to 1.5385.

(c) *Specific gravity at 15°/15° C.* 1.100 to 1.107.

(d) *Odor.* Characteristic odor.

#### § 21.126 Shellac (refined).

(a) *Arsenic content.* Not more than 1.4 parts per million as determined by the Gutzeit Method (AOAC method 25.020; for incorporation by reference, see § 21.6(c)).

(b) *Color.* White or orange.

(c) *Rosin content.* None when tested by the following method: Add 20 ml of absolute alcohol or glacial acetic acid (m. p. 13° to 15° C.) to 2 grams of the shellac and thoroughly dissolve. Add 100 ml of petroleum ether and mix thoroughly. Add approximately 2 liters of water and separate a portion of the ether layer (at least 50 ml) and filter if cloudy. Evaporate the petroleum ether and test as follows: Solution A—5 ml of phenol dissolved in 10 ml of carbon tetrachloride. Solution B—1 ml of

bromine dissolved in 4 ml of carbon tetrachloride. To the residue obtained above add 2 ml of Solution A and transfer the mixture to a porcelain spot plate, filling one cavity. Immediately fill an adjacent cavity with solution B. Cover the plate with a watch glass and observe any color formation in Solution A. A decided purple or deep indigo blue color is an indication of the presence of rosin.

#### § 21.127 Sodium (metallic).

(a) *Color.* Silvery-white (metallic luster) when freshly cut.

(b) *Identification test.* Clean a platinum wire by dipping it in concentrated hydrochloric acid and holding it over a Bunsen burner until the flame is no longer colored. Moisten the wire loop with hydrochloric acid and dip it into the sample. Hold the wire in the Bunsen flame and note the color. Sodium produces a golden yellow flame; not observed when viewed through a cobalt glass.

(c) *Purity.* Technical grade or better.

#### § 21.128 Spearmint oil, terpeneless.

(a) *Carvone content.* Not less than 85 percent by weight.

(b) *Refractive index at 20° C.* 1.4930 to 1.4980.

(c) *Specific gravity at 25°/25° C.* 0.949 to 0.956.

(d) *Odor.* Characteristic odor.

#### § 21.129 Spike lavender oil, natural.

(a) *Alcohol content (as borneol).* Not less than 30 percent by weight.

(b) *Esters (as bornyl acetate).* Not less than 1.5 percent by weight.

(c) *Refractive index at 20° C.* 1.4630 to 1.4680.

(d) *Specific gravity at 25°/25° C.* 0.893 to 0.909.

(e) *Odor.* Characteristic odor.

#### § 21.130 Sucrose octaacetate.

(a) Sucrose octaacetate is an organic acetylation product occurring as a white or cream-colored powder having an intensely bitter taste.

(b) *Free acid (as acetic acid).*

Maximum percentage 0.15 by weight when determined by the following procedure: Dissolve 1.0 gram of sample in 50 ml of neutralized ethyl alcohol (or S.D.A. No. 3-A, No. 3-C, or No. 30) and titrate with 0.1 N sodium hydroxide using phenolphthalein indicator.

Percent acid as acetic acid =  $\frac{\text{ml NaOH used} \times 0.6}{\text{weight of sample}}$

(c) *Insoluble matter.* 0.30 percent by weight maximum.

(d) *Melting point.* Not less than 78.0° C.

(e) *Purity.* Sucrose octaacetate 98 percent minimum by weight when

determined by the following procedure: Transfer a weighed 1.50 grams sample to a 500 ml Erlenmeyer flask containing 100 ml of neutral ethyl alcohol (or S.D.A. No. 3-A, No. 3-C, or No. 30) and exactly 50.0 ml of 0.5 N sodium hydroxide. Reflux for 1 hour on a steam bath, cool and titrate the excess sodium hydroxide with 0.5 N sulfuric acid using phenolphthalein indicator.

Percent sucrose octaacetate =  $\frac{\text{ml NaOH} - \text{ml H}_2\text{SO}_4}{4.2412} \times \text{weight of sample}$

#### § 21.131 Toluene.

(a) *Distillation range.* (For applicable ASTM method, see 1980 Annual Book of ASTM Standards, Part 29, page 569, Standard No. D 362-75 for industrial grade toluene; for incorporation by reference, see § 21.6(b).) When 100 ml of toluene are distilled by this method, not more than 1 ml should distill below 109° C., and not less than 99 ml below 112° C.

(b) *Boiling point.* 110.6° ± 1° C.

(c) *Odor.* Characteristic odor.

(d) *Specific gravity at 15.56°/15.56° C.* 0.869 to 0.873.

#### § 21.132 Vinegar.

(a) *Vinegar, 90-grain:*

*Acidity (as acetic acid).* 9.0 percent by weight, minimum.

(b) *Vinegar, 80-grain:*

*Acidity (as acetic acid).* 6.0 percent by weight, minimum.

### Subpart F—Uses of Specially Denatured Alcohol and Specially Denatured Rum

#### § 21.141 List of products and processes using specially denatured alcohol and rum, and formulas authorized therefor.

This section lists, alphabetically by product or process, formulas of specially denatured alcohol authorized for use in those products or processes, and lists the code numbers assigned thereto. Specially denatured rum, as well as specially denatured alcohol, may be used in tobacco sprays and flavors, Code No. 460, under Formula No. 4.

#### USES OF SPECIALLY DENATURED ALCOHOL<sup>1</sup>

Product or process	Code No.	Formulas authorized
Acetaldehyde	551	1, 2-B, 29.
Acetic acid	512	29, 35-A.
Adhesives and binders	036	1, 3-A, 3-C, 12-A, 23-A, 30.
Aldehydes, miscellaneous	552	1, 2-B, 29.
Alkaloids (processing)	344	1, 2-B, 2-C, 3-A, 3-C, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Animal feed supplements	910	35-A.
Antibiotics (processing)	343	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Antifreeze, proprietary	760	1.
Antiseptic, bathing solution (restricted)	220	46.

#### USES OF SPECIALLY DENATURED ALCOHOL<sup>1</sup>—Continued

Product or process	Code No.	Formulas authorized
Antiseptic solutions, U.S.P. or N.F.	244	23-A, 37, 38-B, 38-F.
Bath preparations	142	1, 3-A, 3-B, 3-C, 23-A, 30, 36, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Bay rum	112	23-A, 37, 38-B, 39, 39-B, 39-D, 40, 40-A, 40-B, 40-C.
Biocides, miscellaneous	410	1, 3-A, 3-B, 3-C, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Blood and blood products (processing)	345	1, 3-A, 3-C, 12-A, 13-A, 23-A, 30.
Brake fluids	720	1, 3-A, 3-C.
Candy glazes	015	13-A, 23-A, 35, 35-A, 45.
Cellulose coatings	011	1, 3-A, 3-C, 23-A, 30.
Cellulose compounds (dehydration)	311	1, 2-B, 3-A, 3-C, 32.
Cellulose intermediates	034	1, 3-A, 3-C, 13-A, 19, 23-A, 32.
Chemicals (miscellaneous)	579	1, 2-B, 2-C, 3-A, 3-C, 6-B, 12-A, 13-A, 17, 20, 29, 30, 32, 36.
Cleaning solutions	450	1, 3-A, 3-C, 23-A, 23-H, 30, 36, 39-B, 40, 40-A, 40-B, 40-C.
Coatings, miscellaneous	016	1, 3-A, 3-C, 23-A.
Collodions, industrial	034	1, 3-A, 3-C, 13-A, 19, 23-A, 32.
Collodion, U.S.P.	241	13-A, 19, 32.
Colognes	122	36-B, 39, 39-A, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Crude drugs (processing)	341	1, 2-B, 3-A, 3-C, 23-A, 30.
Cutting oils	730	1, 3-A, 3-C.
Dehydration products, miscellaneous	315	1, 2-B, 3-A, 3-C.
Dentifrices	131	31-A, 37, 38-B, 38-C, 38-D.
Deodorants (body)	114	23-A, 36-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Detergents, household	450	1, 3-A, 3-C, 23-A, 23-H, 30, 36, 39-B, 40, 40-A, 40-B, 40-C.
Detergents, industrial	440	1, 3-A, 3-C, 23-A, 30.
Detonators	574	1, 6-B.
Disinfectants	410	1, 3-A, 3-B, 3-C, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Drugs and medicinal chemicals	575	1, 2-B, 2-C, 3-A, 3-C, 6-B, 12-A, 13-A, 17, 29, 30, 32.
Drugs, miscellaneous (processing)	349	1, 2-B, 3-A, 3-C, 13-A, 23-A, 30, 35-A, 38-B.
Duplicating fluids	485	1, 3-A, 3-C, 30.
Dyes and intermediates	540	1, 2-B, 2-C, 3-A, 3-C, 12-A, 29, 36.
Dyes and intermediates (processing)	351	1, 2-B, 3-A, 3-C, 12-A.
Dye solutions, miscellaneous	482	1, 3-A, 3-C, 23-A, 30.
Embalming fluids, etc.	420	1, 3-A, 3-C, 22, 23-A.
Esters, ethyl (miscellaneous)	523	1, 2-B, 2-C, 6-B, 12-A, 13-A, 29, 32, 35-A.
Ether, ethyl	561	1, 2-B, 13-A, 29, 32.
Ethers, miscellaneous	562	1, 2-B, 13-A, 29, 32.
Ethyl acetate	521	1, 2-B, 29, 35-A.
Ethylamines	530	1, 2-B, 2-C, 3-A, 3-C, 12-A, 29, 36.
Ethyl chloride	522	1, 2-B, 29, 32.
Ethylene dibromide	571	1, 2-B, 29, 32.
Ethylene gas	572	1, 2-B, 29, 32.
Explosives	033	1, 2-B, 3-A, 3-C.
External pharmaceuticals, not U.S.P. or N.F.	210	23-A, 23-F, 23-H, 27, 27-A, 27-B, 33, 35, 37, 38-B, 38-F, 39-B, 40, 40-A, 40-B, 40-C.
External pharmaceuticals, miscellaneous, U.S.P. or N.F.	249	23-A, 25, 25-A, 33, 38-B.
Fluid uses, miscellaneous	750	1, 3-A, 3-C, 23-A, 30.
Food products, miscellaneous (processing)	332	1, 2-B, 3-A, 3-C, 13-A, 23-A, 30, 32, 35-A.

USES OF SPECIALLY DENATURED ALCOHOL <sup>1</sup>—  
Continued

Product or process	Code No.	Formulas authorized
Fuel uses, miscellaneous.	630	1, 3-A, 3-C, 28-A.
Fuels, airplane and supplementary.	612	1, 3-A, 3-C, 26-A.
Fuels, automobile and supplementary.	611	1, 3-A, 3-C, 28-A.
Fuels, proprietary heating.	620	1, 3-A, 3-C, 26-A.
Fuels, rocket and jet.	613	1, 3-A, 3-C, 26-A.
Fungicides.	410	1, 3-A, 3-B, 3-C, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Glandular products (processing).	342	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Hair and scalp preparations.	111	3-B, 23-A, 23-F, 23-H, 37, 38-B, 39, 39-A, 39-B, 39-C, 39-D, 40, 40-A, 40-B, 40-C.
Hormones (processing).	342	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Incense.	470	3-A, 3-C, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Inks.	052	1, 3-A, 3-C, 13-A, 23-A, 30, 32, 33.
Insecticides.	410	1, 3-A, 3-B, 3-C, 23-A, 23-H, 27-A, 27-B, 30, 37, 38-B, 39-B, 40, 40-A, 40-B, 40-C.
Iodine solutions (including U.S.P. and N.F. tinctures).	230	25, 25-A.
Laboratory reagents (for sale).	811	3-A, 3-C, 30.
Laboratory uses, general (own use only).	810	3-A, 3-C, 30.
Lacquer thinners.	042	1, 23-A.
Liniments, U.S.P. or N.F.	243	27, 27-B, 38-B.
Lotions and creams (body, face, and hand).	113	23-A, 23-H, 31-A, 37, 38-B, 39, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Medicinal chemicals (processing).	344	1, 2-B, 2-C, 3-A, 3-C, 12-A, 13-A, 17, 23-A, 30, 32, 35-A.
Miscellaneous chemicals (processing).	358	1, 2-B, 2-C, 3-A, 3-C, 12-A, 13-A, 17, 23-A, 30, 35-A.
Miscellaneous products (processing).	359	1, 2-B, 2-C, 3-A, 3-C, 12-A, 13-A, 17, 23-A, 30, 35-A.
Mouth washes.	132	37, 38-B, 38-C, 38-D, 38-F.
Organo-silicone products.	576	2-B, 3-A, 3-C, 30.
Pectin (processing).	331	1, 2-B, 3-A, 3-C, 13-A, 23-A, 30, 35-A.
Perfume materials (processing).	352	1, 2-B, 3-A, 3-C, 12-A, 13-A, 30.
Perfumes and perfume tinctures.	121	38-B, 39, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Petroleum products.	320	1, 2-B, 3-A, 3-C.
Photoengraving dyes and solutions.	481	1, 3-A, 3-C, 13-A, 30, 32.
Photographic chemicals (processing).	353	1, 2-B, 3-A, 3-C, 13-A, 30.
Photographic film and emulsions.	031	1, 2-B, 3-A, 3-C, 13-A, 19, 30, 32.
Pill and tablet manufacture.	349	1, 2-B, 3-A, 3-C, 13-A, 23-A, 30, 35-A, 38-B.
Plastics, cellulose.	021	1, 2-B, 3-A, 3-C, 12-A, 13-A, 30.
Plastics, non-cellulose (including resins).	022	1, 2-B, 3-A, 3-C, 12-A, 13-A, 30.
Polishes.	051	1, 3-A, 3-C, 30.
Preserving solutions.	430	1, 3-A, 3-C, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.

USES OF SPECIALLY DENATURED ALCOHOL <sup>1</sup>—  
Continued

Product or process	Code No.	Formulas authorized
Product development and pilot plant (own use only).	812	All formulas.
Proprietary solvents (standard formulas).	041	1.
Refrigerating uses.	740	1, 3-A, 3-C, 23-A, 30.
Resin coatings, natural.	014	1, 23-A.
Resin coatings, synthetic.	012	1, 3-A, 3-C, 23-A, 30.
Resins, synthetic.	590	3-A, 3-C, 29, 30, 35-A.
Room deodorants.	470	3-A, 3-C, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Rosin (processing).	354	1, 3-A, 3-C, 12-A.
Rotogravure dyes and solutions.	481	1, 3-A, 3-C, 13-A, 30, 32.
Rubber (latex) (processing).	355	1, 3-A, 3-C.
Rubber, synthetic.	580	29, 32.
Rubbing alcohol.	220	23-H.
Scientific instruments.	710	1, 3-A, 3-C.
Shampoos.	141	1, 3-A, 3-B, 3-C, 23-A, 27-B, 31-A, 36, 38-B, 39-A, 39-B, 40, 40-A, 40-B, 40-C.
Shellac coatings.	013	1, 23-A.
Soaps, industrial.	440	1, 3-A, 3-C, 23-A, 30.
Soaps, toilet.	142	1, 3-A, 3-C, 23-A, 30, 36, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Sodium ethylate, anhydrous (restricted).	524	2-B.
Sodium hydrosulfite (dehydration).	312	1, 2-B, 3-A, 3-C.
Soldering flux.	035	1, 3-A, 3-C, 23-A, 30.
Solutions, miscellaneous.	485	1, 3-A, 3-C, 23-A, 30, 40-C.
Solvents and thinners (other than proprietary solvents or special industrial solvents).	042	1, 23-A, 30.
Solvents, special industrial (restricted sale).	043	1, 3-A, 3-C.
Stains (wood).	053	1, 3-A, 3-C, 23-A, 30.
Sterilizing solutions.	430	1, 3-A, 3-C, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Theater sprays.	470	3-A, 3-C, 22, 37, 38-B, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Tobacco sprays and flavors.	460	4.
Toilet waters.	122	36-B, 39, 39-A, 39-B, 39-C, 40, 40-A, 40-B, 40-C.
Transparent sheetings.	032	1, 2-B, 3-A, 3-C, 13-A, 23-A.
Unclassified uses <sup>*</sup> .	900	1, 3-A, 3-C.
Vaccine (processing).	343	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Vinegar.	511	18, 29, 35-A.
Vitamins (processing).	342	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.
Xanthates.	573	1, 2-B, 29.
Yeast (processing).	342	1, 2-B, 3-A, 3-C, 12-A, 13-A, 23-A, 30, 32, 35-A.

<sup>1</sup> Other products or processes may be authorized by the Chief, Chemical Branch, under § 21.31(c).

<sup>2</sup> Persons desiring other formulas for this use should indicate the fact in the space provided for this purpose on ATF Form 5150.19.

## Subpart G—Denaturants Authorized for Denatured Spirits

## § 21.151 List of denaturants authorized for denatured spirits.

Following is an alphabetical listing of denaturants authorized for use in denatured spirits:

## DENATURANTS AUTHORIZED FOR COMPLETELY DENATURED ALCOHOL (D.C.A.), SPECIALLY DENATURED ALCOHOL (S.D.A.), AND SPECIALLY DENATURED RUM (S.D.R.)

Acetaldehyde	S.D.A. 29.
Acetone, U.S.P.	S.D.A. 23-A, 23-H.
Acetaldehyde	C.D.A. 18.
Almond oil, bitter, N.F.X.	S.D.A. 38-B.
Ammonia, aqueous	S.D.A. 36.
Ammonia solution, strong, N.F.	S.D.A. 36.
Anethole, N.F.	S.D.A. 38-B.
Anise oil, N.F.	S.D.A. 38-B.
Bay oil (myrcia oil), N.F.XI	S.D.A. 23-F, 38-B, 39-D.
Benzaldehyde, N.F.	S.D.A. 38-B.
Benzene	S.D.A. 2-B, 2-C, 12-A.
Bergamot oil, N.F.XI	S.D.A. 23-F, 38-B.
Bone oil (Dipple's oil)	S.D.A. 17.
Boric acid, N.F.	S.D.A. 38-F.
Brucine alkaloid	S.D.A. 40.
Brucine sulfate, N.F.IX	S.D.A. 40.
n-Butyl alcohol	S.D.A. 44.
tert-Butyl alcohol	S.D.A. 39, 39-A, 39-B, 40, 40-A, 40-B, 40-C.
Camphor, U.S.P.	S.D.A. 27, 27-A, 38-B.
Caustic soda, liquid	S.D.A. 36.
Cedar leaf oil, U.S.P. XIII	S.D.A. 38-B.
Chloroform	S.D.A. 20.
Chlorothymol, N.F.XII	S.D.A. 38-B, 38-F.
Cinchonidine	S.D.A. 39-A.
Cinchonidine sulfate, N.F.IX	S.D.A. 39-A.
Cinnamic aldehyde (cinnamaldehyde), N.F.IX	S.D.A. 38-B.
Cinnamon oil, N.F.	S.D.A. 38-B.
Citronella oil, natural	S.D.A. 38-B.
Clove oil, N.F.	S.D.A. 27-A, 38-B.
Coal tar, U.S.P.	S.D.A. 38-B.
Denatonium benzoate, N.F. (BITREX)	S.D.A. 1, 40-B.
Diethyl phthalate	S.D.A. 39-B, 39-C.
Ethyl acetate	S.D.A. 29, 35, 35-A.
Ethyl ether	S.D.A. 13-A, 19, 32.
Eucalyptol, N.F.XII	S.D.A. 37, 38-B.
Eucalyptus oil, N.F.	S.D.A. 38-B.
Eugenol, U.S.P.	S.D.A. 38-B.
Formaldehyde solution, U.S.P.	S.D.A. 22, 38-C, 38-D.
Gasoline	C.D.A. 18, 19; S.D.A. 28-A.
Gasoline, unleaded	C.D.A. 18, 19, 20; S.D.A. 28-A.
Gentian violet	S.D.A. 33.
Gentian violet, U.S.P.	S.D.A. 33.
Glycerin (Glycerol), U.S.P.	S.D.A. 31-A.
Green soap, U.S.P.	S.D.A. 27-B.
Guaiacol, N.F.X	S.D.A. 38-B.
Heptane	C.D.A. 18, 19; S.D.A. 28-A.
Hydrochloric acid, N.F.	S.D.A. 38-F.
Iodine, U.S.P.	S.D.A. 25, 25-A.
Isopropyl alcohol	S.D.A. 3-C.
Kerosene	C.D.A. 18, 19, 20.
Kerosene (deodorized)	C.D.A. 18, 19, 20.
Lavender oil, N.F.	S.D.A. 27-B, 38-B.
Menthol, U.S.P.	S.D.A. 37, 38-B, 38-C, 38-D, 38-F.
Mercuric iodide, red, N.F.XI	S.D.A. 42.
Methyl alcohol	S.D.A. 1, 3-A, 30.
Methylene blue, U.S.P.	S.D.A. 4; S.D.R. 4.
Methyl isobutyl ketone	C.D.A. 18, 19; S.D.A. 1, 23-H.
Methyl n-butyl ketone	C.D.A. 18, 19; S.D.A. 1.
Methyl salicylate, N.F.	S.D.A. 38-B, 46.
Mustard oil, volatile (allyl isothiocyanate), U.S.P. XII	S.D.A. 38-B.
Nicotine solution	S.D.A. 4; S.D.R. 4.
Nitropropane, mixed isomers of	C.D.A. 18, 19; S.D.A. 1.
Peppermint oil, N.F.	S.D.A. 38-B.

DENATURANTS AUTHORIZED FOR COMPLETELY DENATURED ALCOHOL (D.C.A.), SPECIALLY DENATURED ALCOHOL (S.D.A.), AND SPECIALLY DENATURED RUM (S.D.R.)—Continued

WEIGHTS AND SPECIFIC GRAVITIES OF SPECIALLY DENATURED ALCOHOL<sup>1</sup>

(Slight deviations from this table may occur due to variations in specific gravities of authorized denaturants. Values for 190 proof determined experimentally in air. Other values calculated from these gravities.)

S.D.A. Formula No.	Finished formula (gals)	190 proof		192 proof		200 proof	
		Wt./gal. in air (lbs)	Sp. gr. in air	Wt./gal. in air (lbs)	Sp. gr. in air	Wt./gal. in air (lbs)	Sp. gr. in air
Phenol, U.S.P.	S.D.A. 38-B, 46.						
Phenyl mercuric benzoate	S.D.A. 42						
Phenyl mercuric chloride, N.F.IX	S.D.A. 42						
Phenyl mercuric nitrate, N.F.	S.D.A. 42						
Phenyl salicylate (salol), N.F.XI	S.D.A. 38-B						
Pine needle oil, dwarf, N.F.	S.D.A. 38-B						
Pine oil, N.F.	S.D.A. 38-B						
Pine tar, U.S.P.	S.D.A. 3-B						
Polysorbate 80, N.F.	S.D.A. 38-F						
Potassium iodide, U.S.P.	S.D.A. 25, 25-A, 42						
Pyridine bases	S.D.A. 6-B						
Pyronate	C.D.A. 18						
Quassia, fluid extract, N.F.VII	S.D.A. 38						
Quassin	S.D.A. 40						
Quinine, N.F.X	S.D.A. 39-A						
Quinine bisulfate, N.F.XI	S.D.A. 39-A, 39-D						
Quinine dihydrochloride, N.F.XI	S.D.A. 39-A						
Quinine sulfate, U.S.P.	S.D.A. 39-D						
Resorcinol (Resorcin), U.S.P.	S.D.A. 23-F						
Rosemary oil, N.F. XII	S.D.A. 27, 38-B						
Rubber hydrocarbon solvent	C.D.A. 18, 19, 20; S.D.A. 2-B, 2-C, 28-A						
Sairole	S.D.A. 38-B						
Salicylic acid, U.S.P.	S.D.A. 23-F, 39						
Sassafras oil, N.F.XI	S.D.A. 38-B						
Shellac (refined)	S.D.A. 45						
Soap, hard, N.F.XI	S.D.A. 31-A						
Sodium iodide, U.S.P.	S.D.A. 25, 25-A						
Sodium, metallic	S.D.A. 2-C						
Sodium salicylate, U.S.P.	S.D.A. 39, 39-D						
Spearmint oil, N.F.	S.D.A. 38-B						
Spearmint oil, terpenoidless	S.D.A. 38-B						
Spike lavender oil, natural	S.D.A. 38-B						
Storax, U.S.P.	S.D.A. 38-B						
Sucrose octaacetate	S.D.A. 40-A						
Thimerosal, U.S.P.	S.D.A. 42						
Thyme oil, N.F.XII	S.D.A. 38-B						
Thymol, N.F.	S.D.A. 37, 38-B, 38-F						
Tolu balsam, U.S.P.	S.D.A. 38-B						
Toluene	S.D.A. 2-B, 2-C, 12-A						
Turpentine oil, N.F.XI	S.D.A. 38-B						
Vinegar	S.D.A. 18						
Zinc chloride, U.S.P.	S.D.A. 38-F						
1	104.0	6.788	0.8151	6.756	0.8112	6.611	0.7958
2-B	100.5	6.795	.8159	6.762	.8119	6.612	.7939
2-C	99.5					6.959	.8356
3-A	105.0	6.787	.8149	6.755	.8111	6.611	.7938
3-B	101.0	6.810	.8177	6.777	.8137	6.627	.7957
3-C	105.0	6.784	.8146	6.752	.8107	6.608	.7935
4	100.8	6.823	.8193	6.791	.8154	6.640	.7973
6-B	100.5	6.801	.8166	6.768	.8127	6.618	.7947
12-A	105.0	6.820	.8169	6.789	.8152	6.645	.7979
13-A	109.7	6.740	.8093	6.710	.8057	6.572	.7891
17	100.05	6.795	.8159	6.762	.8119	6.611	.7938
18	105.4	7.802	.9368	7.765	.9348	7.708	.9255
19	197.9	6.468	.7766	6.452	.7747	6.375	.7655
20	104.9	7.062	.8480	7.030	.8441	6.886	.8268
22	106.5	7.037	.8450	7.007	.8414	6.868	.8247
23-A	107.9	6.788	.8151	6.758	.8115	6.619	.7948
23-F	101.5	6.808	.8175	6.778	.8136	6.627	.7957
23-H	108.45	6.785	.8147	6.755	.8111	6.617	.7945
25	100.9	7.080	.8501	7.047	.8462	6.897	.8282
25 <sup>1</sup>	100.9	7.083	.8505	7.050	.8465	6.900	.8285
25 <sup>2</sup>	102.5	7.119	.8548	7.087	.8510	6.939	.8332
25-A <sup>3</sup>	102.5	7.117	.8546	7.085	.8507	6.938	.8331
27	104.7	6.846	.8220	6.814	.8182	6.670	.8009
27-A	105.2	6.867	.8245	6.835	.8207	6.692	.8035
27-B	112.0	7.027	.8438	6.998	.8403	6.862	.8239
28-A	101.0	6.788	.8148	6.753	.8109	6.603	.7929
29	100.78	6.808	.8175	6.775	.8135	6.624	.7954
30	110.0	6.785	.8147	6.755	.8111	6.617	.7945
31-A	111.5	7.167	.8606	7.138	.8571	7.002	.8408
32	104.8	6.789	.8128	6.737	.8089	6.593	.7916
33	102.9	6.893	.8277	6.861	.8238	6.714	.8062
35 <sup>1</sup>	135.0	6.956	.8352	6.933	.8325	6.820	.8189
35 <sup>2</sup>	129.75	6.963	.8361	6.937	.8330	6.820	.8189
35-A <sup>3</sup>	105.0	6.817	.8185	6.785	.8147	6.641	.7974
35-A <sup>4</sup>	104.25	6.826	.8196	6.794	.8156	6.649	.7984
36	102.7	6.837	.8209	6.804	.8170	6.657	.7993
37	100.9	6.794	.8158	6.762	.8119	6.612	.7939
38-B	101.3	6.804	.8170	6.772	.8131	6.622	.7951
38-C	102.6	6.832	.8203	6.800	.8165	6.652	.7987
38-D	102.7	6.863	.8241	6.830	.8201	6.682	.8023
38-F	100.9	6.828	.8199	6.796	.8160	6.646	.7980
39	102.0	6.867	.8245	6.834	.8206	6.686	.8028
39-A	100.5	6.810	.8177	6.777	.8137	6.627	.7957
39-B	102.7	6.857	.8233	6.825	.8195	6.677	.8017
39-C	101.0	6.819	.8188	6.792	.8155	6.642	.7975
39-D	101.3	6.819	.8188	6.787	.8149	6.637	.7969
40	100.1	6.795	.8159	6.762	.8119	6.611	.7938
40-A	100.2	6.798	.8163	6.765	.8123	6.613	.7941
40-B	100.1	6.794	.8158	6.761	.8118	6.610	.7937
40-C	103.0	6.788	.8151	6.756	.8112	6.609	.7936
42	100.0	6.797	.8161	6.764	.8122	6.613	.7941
44	110.0	6.790	.8153	6.760	.8117	6.622	.7951
45	129.8	7.545	.9060	7.520	.9030	7.403	.8888
46	100.1	6.805	.8171	6.772	.8131	6.621	.7950

Subpart H—Weights and Specific Gravities of Specially Denatured Alcohol

§ 21.161 Weights and specific gravities of specially denatured alcohol.

The weight of one gallon of each formula of specially denatured alcohol at 15.56° C. (60° F.) is as listed in this section. The specific gravity of each formula of specially denatured alcohol at 15.56° C./15.56° C. (60° F./60° F.) in air is as listed in this section. (Weight of 1 gallon of water at 15.56° C. (60° F.) is 8.32823 pounds in air.)

<sup>1</sup> Where alternate denaturants are permitted, the above weights are based on the first denaturant or combination listed in the formula.

<sup>2</sup> With sodium iodide.

<sup>3</sup> Calculated on the basis of 85 percent ethyl acetate.

<sup>4</sup> Calculated on the basis of 100 percent ethyl acetate.

Signed: March 22, 1983.

Stephen E. Higgins,  
Acting Director.

Approved: April 13, 1983.

Robert Powis,

Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 83-14068 Filed 6-1-83; 8:45 am]

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ENVIRONMENTAL PROTECTION  
AGENCY

## 40 CFR Part 52

[A-1-FRL 2368-6]

Approval and Promulgation of  
Implementation Plans; Massachusetts;  
CorrectionAGENCY: Environmental Protection  
Agency (EPA).

ACTION: Final rule; correction

**SUMMARY:** This document corrects an incorrect date citation in the rulemaking contained in a final approval of Polaroid's sulfur-in-fuel revision published on December 1, 1982 (47 FR 54073).

**FOR FURTHER INFORMATION CONTACT:** Cynthia Greene, (617) 223-5130.

**SUPPLEMENTARY INFORMATION:** The following correction is made in FR Document 82-32745 (A-1-FRL 2145-1) appearing on page 54073 in the issue of December 1, 1982.

Subparagraph (c)(52) appearing in column three on page 54073 should have read as follows:

Section 52.1120, paragraph (c)(52) is correctly added as follows:

## § 52.1120 Identification of plan.

(c) \* \* \*

(52) A revision submitted on September 28, 1982 by the Commissioner of the Massachusetts Department of Environmental Quality Engineering allowing the burning of higher sulfur content fuel oil at the Polaroid Corporation for a period of up to 30 months commencing on December 1, 1982.

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

Dated: May 13, 1983.

Lester A. Sutton,  
Regional Administrator, Region I.

[FR Doc. 83-14735 Filed 6-1-83; 8:45 am]  
BILLING CODE 5560-50-M

## 40 CFR Part 180

[PP 2E2730/R560; PH-FRL 2374-6]

Tolerances and Exemptions From  
Tolerances for Pesticide Chemicals in  
or on Raw Agricultural Commodities;  
0,0-Diethyl S-[2-(Ethylthio Ethyl)]  
PhosphorodithioateAGENCY: Environmental Protection  
Agency (EPA).

ACTION: Final rule.

**SUMMARY:** This rule establishes a tolerance for the combined residues of the insecticide 0,0-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the raw agricultural commodity asparagus. The regulation to establish a maximum permissible level for residues of the insecticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

**EFFECTIVE DATE:** Effective on June 2, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Donald Stubbs, Emergency Response Section, Registration Division (TS-787C), Environmental Protection Agency, Rm. 716B, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1192).

**SUPPLEMENTARY INFORMATION:** EPA issued a proposed rule, published in the Federal Register of April 13, 1983 (48 FR 15932), which announced that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petition 2E2730 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of California, Idaho, Oregon and Washington.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of the insecticide 0,0-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites in

or on the raw agricultural commodity asparagus at 0.1 part per million (ppm).

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rulemaking. The pesticide is considered useful for the purpose for which the tolerance is sought. It is concluded that the tolerance will protect the public health and is established as set forth below.

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

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

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e)))

## List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: May 25, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

## PART 180—[AMENDED]

Therefore, 40 CFR 180.183 is revised to read as follows:

§ 180.183 0,0-Diethyl S-[2-(ethylthio)ethyl]  
phosphorodithioate; tolerances for  
residues.

Tolerances are established for the combined residues of the insecticide 0,0-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate and its cholinesterase-inhibiting metabolites, calculated as demeton, in or on the following raw agricultural commodities:

Commodities	Parts per million
Alfalfa, fresh	5.0
Alfalfa, hay	12.0
Asparagus	0.1
Barley, fodder, green	5.0
Barley, grain	0.75
Barley, straw	5.0
Beans, dry	0.75
Beans, lima	0.75
Beans, snap	0.75
Beans, vines	5.0
Beets, sugar, roots	0.5
Beets, sugar, tops	2.0
Broccoli	0.75
Brussels sprouts	0.75
Cabbage	0.75
Cauliflower	0.75
Clover, fresh	5.0
Clover, hay	12.0
Coffee beans	0.3
Corn, field, fodder	5.0
Corn, field, forage	5.0
Corn, grain	0.3
Corn, pop	0.3
Corn, pop, fodder	5.0
Corn, pop, forage	5.0
Corn, sweet, fodder	5.0
Corn, sweet, forage	5.0
Corn, sweet, grain (K+CWHR)	0.3
Cottonseed	0.75
Hops	0.5
Lettuce	0.75
Oats, fodder, green	5.0
Oats, grain	0.75
Oats, straw	5.0
Peanuts	0.75
Peanuts, hay	5.0
Peanuts, hulls	0.3
Peas	0.75
Peas, vines	5.0
Pecans	0.75
Peppers	0.1
Pineapples	0.75
Pineapples, foliage	5.0
Potatoes	0.75
Rice	0.75
Rice, straw	5.0
Sorghum, fodder	5.0
Sorghum, forage	5.0
Sorghum, grain	0.75
Soybeans	0.1
Soybeans, forage	0.25
Soybeans, hay	0.25
Spinach	0.75
Sugarcane	0.3
Tomatoes	0.75
Wheat, fodder, green	5.0
Wheat, grain	0.3
Wheat, straw	5.0

the fuel economy performance of automobiles. The amendment follows a notice of proposed rulemaking published on January 17, 1983 (48 FR 1992).

The amendment is based upon a petition from, and is primarily directed towards a type of headlamp system developed by, Ford Motor Company. Ford wishes to offer on certain 1984 model cars a semi-sealed headlamp with a standardized replaceable bulb, which it states would conform to a proposed set of environmental performance requirements similar to those adopted by this notice.

**DATE:** The amendments made by this notice are effective on July 1, 1983.

**FOR FURTHER INFORMATION CONTACT:** Jere Medlin, Office of Vehicle Safety Standards, NHTSA, 400 Seventh Street, S.W., Washington, D.C. 20590 (202-426-2720)

**SUPPLEMENTARY INFORMATION:** This notice completes rulemaking initiated by the agency's publication of a notice of proposed rulemaking (NPRM) on new headlighting systems on January 17, 1983 (48 FR 1992). That proposal was issued following the grant of a petition for rulemaking submitted on August 28, 1981, by Ford Motor Company.

#### Ford Petition

The Ford petition sought an amendment to Standard No. 108 to permit the use of a non-fully sealed headlamp. To ensure the proper performance of the new headlamp, Ford requested the application to it of certain sealed beam headlamp performance requirements and of certain environmental tests.

Ford's new headlamp consisted of two discrete components: a plastic lens bonded to a plastic reflector, and a replaceable light source capsule of standardized design that is inserted through an opening in the rear of the reflector, and sealed by an "O-ring" seal on the capsule. Although contoured, the headlamp is mechanically aimable with an adapter to the current aiming equipment. Ford argued that the possibility of reflector contamination is minimized because of the lens/reflector bond and the seal at the base of the light source.

Ford stated that its replaceable bulb lamp was developed to assure a high reliability of positioning of the filament after repeated replacements of the bulb in different lamp bodies, and to ensure tight sealing of the capsule into the reflector. Ford asserted that it had rejected the European H-4 design with its multi-piece stamped construction as unacceptably complex.

A single piece plastic molding is the foundation of Ford's new bulb design. Ford Claimed that electrical socket molding technology has established that extremely fine dimensional control ( $\pm .004$  inch) is consistently achievable even at elevated temperatures.

The Ford-type lamp has a bayonet mounting, selected because it provided positive "one way only" insertion of the bulb into the reflector assembly separate from the locking action of the retaining device. Twist lock designs currently used for signal lamp functions do not provide the precise and consistent filament positioning necessary for a headlamp assembly.

Control surfaces are established between the socket and mounting hole to provide (1) axial location, (2) surface to surface contact for in-out positioning of filament and (3) a controlled pin location for accurate filament position.

The method chosen for positioning and securing the bulb in the plastic molded base utilizes current technology such that either optical or dimensional filament control techniques are applicable. The bulb capsule can be inserted into a "master parabola" and illuminated, and the bulb can then be adjusted in the capsule using photo cells for optimum filament positioning. An alternative procedure would orient the filament relying strictly on dimensional location using an optical comparator.

Ford said in its petition that it believes a sealed, unvented assembly is desirable to avoid the problem of corrosion. The agency's concern about the headlamp system in use in Europe has been corrosion developing on the inside and outside surfaces of lamp reflectors after a relatively short time in service. Painted steel reflectors were most commonly used in Europe, and the lamp assemblies were typically vented to the atmosphere through a controlled path. With the sealed capsule design, replacement of the bulb may be achieved in a manner which Ford thinks protects the optic surfaces within the lamp as would be the case in sealed beam units. Ford intends to fabricate the reflector from corrosion-resistant material.

A single silicone O-ring provides the seal for the bulb. Ford tests have allegedly shown that the pressure build-up inside the sealed headlamp cavity due to the operating temperatures of the lamp is approximately 20 psi. Due to the close tolerances of the mating parts and the use of a low durometer "O" ring seal which permits sealing across surface irregularities, an internal pressure of 100 psi can be contained within the lamp

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BILLING CODE 5560-50-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### 49 CFR Part 571

[Docket No. 81-11; Notice 3]

### Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices and Associated Equipment

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Final rule.

**SUMMARY:** The purpose of this notice is to amend Federal Motor Vehicle Safety Standard No. 108 to allow an optional headlighting system that could improve

body. The efficacy of "O" ring seals to contain static pressure is well known.

#### Notice of Proposed Rulemaking

In the NPRM, NHTSA proposed three regulatory options that would allow for the use of new headlighting systems. Each of these systems would have involved the use of two separate components, the lens and reflector unit and a replaceable bulb unit. Options which were presented were—

(1) A Ford-type semi-sealed contoured lamp that has a standardized replaceable light source and that is designed to meet detailed photometric, dimensional and environmental performance requirements.

(2) A fully sealed lens reflector unit that could be contoured, that has a standardized replaceable light source, and that is required to meet standards similar to those in Option 1.

(3) A mechanically aimable unit that has a standardized replaceable light source and that is designed to meet minimum photometric requirements. The unit was not to be subject to detailed dimensional or environmental requirements as in the other options. The success of this option was to depend primarily on the product liability system and on use of the agency's defects authority to control unsatisfactory lamps.

#### Summary of Comments and Decision

NHTSA received extensive comments on the proposal from vehicle and lighting manufacturers and the general public. Most commenters favored the concept of new headlighting systems, although some commenters expressed no preference among the options. Those who commented on the options tended to favor Option 1, the subject of the Ford petition. Some commenters thought that option was too design restrictive, permitting a headlamp suitable only for one particular size of a two headlamp system and perhaps for only one manufacturer initially. The second choice was Option 3. However, both these options were also opposed by many commenters. Option 2, the sealed system with the replaceable bulb, occasioned few comments, but most of those were negative.

The agency has decided that Option 1 is the most feasible of the three proposed headlighting concepts and is adopting it with several modifications based on the comments. Since the Ford headlamp represents a new lighting technology, the agency believes that it is particularly appropriate to apply the detailed requirements of Option 1 to promote the lamp's safe performance.

With respect to Option 2, no specific proposals were presented to the agency for production of a contoured, sealed lens-reflector unit with a replaceable bulb. Also, while many of the motor vehicle equipment and vehicle manufacturers commenting on the NPRM favored Option 1, only one favored Option 2. Accordingly, the agency rejected Option 2.

The agency did not adopt Option 3 for several reasons. That option would require photometric conformance at the time the headlamp was manufactured and nothing more. No tests like those in Option 1 would be prescribed to ensure durability of the photometric performance over the life of the lamp. Assurance of continued performance would be provided almost solely by competitive forces of the marketplace, and NHTSA's defects authority. However, that authority is generally exercised only after safety problems have manifested themselves on the road. The agency believes that a higher quality of lamp is more likely to result if equipment is required to be built to certain specified levels of safety rather than left to the manufacturer's estimates of potential product liability and of the likelihood of the agency's discovery of defects and exercising its defects authority.

With the decision to adopt option 1, the principal issue became the efficacy of the performance tests in ensuring that the headlamps will perform adequately in real world conditions. NHTSA believes that the tests as adopted would accomplish that goal.

#### Discussion of Comments

*Designed to conform.* Some commenters understood the proposal as requiring that the new headlamps conform with the applicable requirements instead of simply being designed to conform with those requirements. The commenters who addressed this issue uniformly urged that the latter approach be adopted as it already has been for all other items of lighting equipment under the standard. As the agency indicated in its recent amendment to Standard No. 108 to permit a new size of headlamps requested by Chrysler Corporation, the agency will address this issue in a separate rulemaking proceeding.

*Sequential testing of single lamp.* Under NHTSA's proposal, a single lamp would have been tested sequentially under all of the standard's performance requirements. Most commenters did not favor sequential testing. Opponents objected to it on several grounds. From a practical standpoint, the time required for sequential testing of a single

headlamp would be from 6 to 10 weeks. Further, laboratories would find it difficult to make efficient use of equipment since one facility must be held idle awaiting a lamp to finish another stop in the test. The agency notes that non-sequential testing would facilitate the agency's accurately judging a headlamp's level of performance under a particular environmental test. Failures could be more easily isolated and related to a particular test with non-sequential testing. For these reasons, NHTSA has decided to eliminate a requirement for sequential testing and to specify that a separate lamp be used for each test, except that the same lamp must be used for the temperature cycle and internal heat tests, for the reasons discussed below.

In addition to retaining certain sealed beam headlamp performance requirements, the amendment includes a series of environmental tests to assure adequate performance. The tests adopted are:

- (1) Photometry.
- (2) Abrasion.
- (3) Vibration.
- (4) Chemical Resistance.
- (5) Corrosion.
- (6) Dust.
- (7) Temperature Cycle and Internal Heat.
- (8) Humidity.
- (9) Impact.

*Photometry.* A headlamp that has not been subjected to any of the environmental tests is required to meet certain SAE photometry requirements: S4.6 Photometry of SAE J575 "Test for Motor Vehicle Lighting Devices and Components," June 80; S3.1 Test Voltage and S3.5 Photometric Design Requirements, including Figure 3 and Table 1 of SAE J579c, December 78, SAE J580 "Sealed Beam Headlamp Assembly," August 77.

After a headlamp has been exposed to any of the following environmental hazards, abrasion, chemical resistance, humidity, dust, and temperature cycle/internal heat, it must continue to meet the photometric test prescribed by SAE Standard J579c. That test is currently a requirement of Standard No. 108 for existing headlamp systems.

*Abrasion.* Based on fleet field test results, the abrasion tests on plastic headlamps appear to be particularly critical. Accordingly, a proposed NHTSA procedure and an alternative Ford procedure were included to generate comment on this critical test phase. NHTSA proposed a test by which abrasion resistance would be judged by the effect of sand falling on a headlamp lens.

The abrasion test was to be required only if a proposed headlamp had a plastic lens. This was consistent with the agency's abrasion concerns, and with the current absence of any abrasion requirements applicable to existing glass surfaced lamp systems. At the end of the abrasion test, photometric output was to be measured to assure continuing compliance with SAE J579c, December 78.

Some commenters stated that the falling sand method of testing represents the manner in which abrasion actually occurs on headlamp lenses in use, and that the test has some "heritage" in an established ASTM procedure. However, opposing comments suggested that the reproducibility of a sand drop test is so poor that the results from different test laboratories could not be compared. NHTSA is concerned that a performance requirement based on that method of testing would not be readily enforceable.

Ford proposed a test in which steel wool would be rubbed against the lens for 11 cycles. It argued that the results of its test correlated more closely to the manner in which abrasion actually occurs than do the results of the falling sand test. Ford's data showed similar linear correlations between vehicle age and on-the-road development of headlamp haze due to abrasion and between the number of steel wool test cycles and the haze on headlamps tested under that test. There was no similarity in the correlation involving real world experience and that between the results of the falling sand test and the haze on headlamps resulting from that test. Most haze resulting from the falling sand test occurred during the first minute of testing.

Accordingly, the agency has adopted Ford's proposed test rubbing steel wool against the lens for 11 cycles, but not Ford's proposed abbreviated photometric checks following this test. Glass lensed units are exempt from the tests for abrasion and impact.

**Vibration.** At the conclusion of the proposed vibration test, there was not to be any evidence of loose or broken parts in the lamp, and the lamp was to continue to meet the photometric requirements. Since the proposed vibration test differed from the one currently specified in Standard No. 108 for other items of lighting equipment, the agency heeded requests not to have two different vibration tests requiring different test equipment. Therefore, the agency has amended the rule to specify the use of the vibration test specified by SAE J575e, the test currently applied to other items of lighting equipment. Similarly, as that vibration test allows

filament fracture, the agency has determined that it is not appropriate to require photometric conformance following the vibration test.

**Chemical resistance test.** The proposed chemical resistance test involved total immersion of the entire test lamp in fluids for a period of five minutes, storage for 48 hours and then an examination for deterioration both in the lamp assembly and the photometric performance of the lamp. The proposed test fluids were gasoline, tar remover, motor oil, brake fluid, power steering fluid, windshield washer fluid, and antifreeze.

Most of those who commented on the chemical resistance test were opposed to the proposal that headlamps be totally immersed for a period of time in separate fluids. Opposition was based on the argument that this does not reflect actual conditions in service where a headlamp may come in contact with one of the listed fluids while being cleaned with a cloth having a variety of chemicals on it. Commenters also opposed use of gasoline and brake fluid as test fluids, the former primarily on the grounds of the effect likely upon a headlamp whose lens has already been subjected to the abrasion test, and the latter on the grounds that brake fluid, because of its corrosive nature, is not likely to be present on a cloth used in cleaning headlamps.

After due consideration of these comments, the agency has decided that total immersion of the lamp unit is not necessary since the purpose of the chemical resistance test is to ensure that the lens is not susceptible to damage by the listed fluids. Accordingly, the agency has modified the test to require that a headlamp be exposed to the fluids not by immersion, but by the more realistic procedures of being wiped with a cloth that has been immersed in one of the test fluids.

NHTSA has retained gasoline as a test fluid as it is a fluid very likely to be present on a wiping rag. The objection to using gasoline because of the headlamp's previous testing under the abrasion test is moot since the agency has deleted the provision for sequential testing of a single headlamp for compliance with all environmental tests. In view of the known corrosive effect of brake fluid on vehicle finishes, that agency believes that it is less likely that headlamps will be exposed to brake fluids than any of the other listed fluids. That effect and the warnings about brake fluid on containers of that fluid make it likely that mechanics will be particularly careful about not using brake fluid contaminated rags near any external vehicle surface. Therefore, the

agency is not including it in the list of test fluids.

In concert with its elimination of sequential testing under the environmental tests, the agency is also eliminating the requirement that a single headlamp be exposed to each of the listed fluids. The agency believes that exposing a particular headlamp to only a single fluid will facilitate determining the performance capabilities of a headlamp when exposed to that fluid.

**Corrosion test.** The corrosion test that was proposed involved subjecting the test lamp to a salt spray test in accordance with ASTM B117-73 "Method of Salt Spray (Fog) Testing" for a period of 240 hours, consisting of ten successive 24-hour intervals. During each interval, the headlamp was to be exposed for 23 hours to the salt spray and then allowed to dry for an hour. At the end of the test period, compliance with the photometric requirements was to be determined. Further, the proposal provided that there could not be any evidence of internal or external corrosion more than an eighth of an inch from sharp edges, or any corrosion, on the terminals or elsewhere, which would involve loss of function.

Many commenters were concerned with the stringency of the test and the criteria. One commenter noted that the proposed test would not achieve the objective of ensuring reflectors with good corrosion resistance because the test does not take into account a situation in which a bulb may be removed for an extended period of time.

NHTSA is satisfied that the requirements are reasonable but believes that the test should be adjusted to reflect the possibility of bulb removal for an extended period of time or under highly humid conditions. Accordingly, the corrosion test adopted requires removal of the bulb for each one-hour period in which the salt spray is deactivated. This should introduce a salt atmosphere on the inside of the lamp. However, as this may create excessive salt deposits on the lens, not easily removed, there is no requirement to measure photometric requirements after the test period. The strictures against corrosion, of course, remain.

**Dust test.** There was general agreement on maintaining the dust test as proposed, in which fine powdered dust is diffused through a test box for a period of 5 hours. Accordingly, that test is adopted without change.

**Temperature cycle, thermal shock, and internal heat tests.** The principal changes made in the test procedures as adopted concern the temperature cycle, thermal shock, and internal heat tests.

As proposed, a temperature cycle test was required from  $-40^{\circ}\text{F}$  to  $176^{\circ}\text{F}$  for 10 complete cycles. The headlamp was not to show any evidence of specific adverse effects.

In the proposed thermal shock test, the headlamp was to be energized on its highest wattage filament for 45 minutes, then plunged into ice water ( $32^{\circ}\text{F}$ ) for five minutes. The headlamp was to be required to show no evidence of fractures, delamination or entry of water in liquid form after this test.

As proposed, the internal heat test provided that the lens was to be coated with simulated road dirt consisting of Zaccharini dust and water, to reduce light transmission to 25% of the original. No lens distortion was to be permitted at the end of such test.

The main issue associated with the related tests regarding temperature cycle, thermal shock and internal heat is the relationship between the tests and the expected performance under actual operating conditions. Two basic aspects of performance are addressed by these tests. One is the integrity of the construction of the lamp. This is typically tested by cycling a lamp between a hot and a cold temperature. The second aspect is the permanence of the shape and the size of the lens, reflector, and filament under high temperature conditions. Any changes in this geometry should be noticeable from the lens distortion measurements and photometric tests conducted after exposure to such conditions.

As for the first aspect, most commenters who addressed the temperature range in the temperature cycle test indicated that the integrity of lamp construction can be tested adequately with a smaller temperature cycle range than the  $-40^{\circ}\text{F}$  to  $+176^{\circ}\text{F}$  range that was proposed. Accordingly, the agency adopted a narrower range of  $-30^{\circ}\text{F}$  to  $+120^{\circ}\text{F}$ . As for the second aspect, a minimal amount of lens warpage, .118 inch, is allowed in the final rule since it is not practicable to insist that plastic lenses remain absolutely warpage free. That small amount of distortion should not pose any safety problem since the lamp must still meet photometric conformance requirements. Finally, in a change from the proposal, the rule allows any means including Zaccharini dust to reduce light transmittance to  $25 \pm 2\%$  of the output originally measured.

Headlamps will still be subjected to sufficiently high temperatures to ensure adequate performance. NHTSA understands that plastic materials currently used in headlamps can begin to lose strength in high ambient temperatures when the lens is very

dirty. The internal heat test will, it is believed, generate temperatures seen in this condition.

The agency has decided to delete the proposed thermal shock test. That test is redundant, particularly because the agency has decided also that the temperature cycle and internal heat tests should be linked so as to require a single headlamp to demonstrate compliance with both of them. The temperature cycle test will not only test headlamps at extreme temperatures likely to be encountered in the real world, but also to subject them to a substantial change in temperature in a several hour period. Even with the narrower range adopted in this notice, headlamps will be required to maintain their performance when subjected to a much greater temperature change than headlamps will experience in the real world.

**Humidity test.** For the humidity test, the agency proposed that the headlamp was to be operated in a controlled environment of  $100^{\circ}\text{F}$  and humidity from 80 to 100% and was not to show any evidence of moisture, fogging, or delamination, after a period of 240 hours during which the headlamp is turned on and off. Although some commenters believed that some moisture should be allowed as a result of the test, NHTSA has decided that headlamps should be constructed so that no moisture can collect. However, the agency believes that a lesser period of time is sufficient to demonstrate compliance and the humidity test has been adopted with a period of 120 hours.

**Impact test.** The agency proposed an impact test which would require a plastic lens to withstand a single impact by a steel ball bearing 1.76 oz. (50 grams) in weight and dropped from a distance of 15.75 inches (40 cm.) above the lens. This test has been adopted as proposed.

**Out-of-focus and bulb deflection tests.** Two tests, an out-of-focus test and a bulb deflection test, were proposed to ensure the proper placement of the bulb filament. The out-of-focus test, not part of the Ford petition, was similar to that currently required of motorcycle headlamps which incorporate a replaceable bulb. The bulb deflection test was proposed by both NHTSA and Ford to simulate the effect of rough handling which could affect the bulb filament alignment, such as might occur during insertion of a replacement bulb. The agency believes that it is redundant to have two tests to ensure proper filament placement. That placement is a function of a bulb fit and filament position. The latter is assured by the narrow tolerances in the required bulb

specifications and the former by the bulb deflection test. Accordingly, the agency has decided not to adopt an out-of-focus test.

**Provision of bulb with new vehicle.** NHTSA also proposed that manufacturers be required to provide a replacement bulb with every vehicle equipped with the new headlighting system. Several commenters opposed this requirement as unnecessary. This proposal is adopted but restricted to those motor vehicles manufactured during the first year in which the new amendments are effective. The establishment of that fixed period is premised on introduction of the new Ford-type headlamps near the beginning of that period. Based on that premise, the agency anticipates that replacement bulbs should be readily available through normal distribution channels at the end of the one year period. If the agency's premise proves false or distribution problems otherwise arise, the agency will consider extending this period.

**Testing of replacement headlamps.** Each lens-reflector unit manufactured as replacement equipment would also have to meet the performance requirements of replaceable bulb headlamps when a standardized replacement light source is inserted. This requirement is adopted as proposed.

**Adapter for aiming device.** Because most existing mechanical aimers are not designed for headlamps with contoured lenses, the agency proposed to require that an adapter to facilitate aiming be furnished with each vehicle manufactured during the first model year in which replaceable bulb headlamps are included as standard equipment. The adapter specified has been designed by Ford for this purpose. After that time, an adjustable adapter, also designed by Ford, should be available for mechanical aimers such that all contoured lenses could be aimed by reference to the pad aiming dimensions. Some commenters argued that the agency should not require mechanical aiming and thus should not adopt the requirement concerning adapters. The agency believes that requiring mechanical aiming is appropriate since most aimers used in this country are mechanical. The adapter requirement has been adopted for motor vehicles manufactured between July 1, 1983, and June 30, 1984, and equipped with the new headlamps. As in the case of the period established for provision of a replacement bulb with new vehicles, the agency will monitor the production of headlamps under the option adopted by this notice and

consider making any necessary adjustments in the end date of the period.

*Distortion of plastic lenses.* Because Ford intends to construct its lamps of plastic, lens distortion appeared to be another important issue. Elevated headlamp operating temperatures caused by dirt on the lens could exceed the thermal limit of some plastics and result in distortion. NHTSA's proposal and amendment distinguish between lamps of plastic and glass, not prohibiting use of the one or requiring the other. However, a headlamp using plastics would have to be certified as meeting the currently required tests for plastics of SAE J576c, including a heat test and the 3-year outdoor exposure test (now most generally conducted as a simulated equivalent).

*Other issues.* Two additional issues of major concern to a number of commenters were the suggestion that Option 1 was excessively design restrictive and the belief that greater consideration needed to be given to the use of the H4 bulb in the interest of international harmonization.

Standard No. 108 already contains many provisions substantially affecting design because of the necessity to standardize lighting equipment for the purpose of ensuring the ready availability of replacement lights. In recognition of the complexity of the proposed design dimensions of the standardized replacement light source, NHTSA has eliminated some of the proposed specifications. In order to allow manufacturers complete freedom in the exterior design of the lamp, however, the light source must be standardized to avoid proliferation. The H4 bulb was not included in the NPRM because NHTSA concluded that the bulb presented in the Ford petition was superior in design. The close fit of the bulb capsule and reflector socket (to prevent misaim from an out-of-position filament) and the O-ring seal were specially important in the agency's view. While the final rule does not harmonize light source, it will produce cost savings by allowing manufacturers to employ the same front end sheet metal for all markets.

One manufacturer expressed concern that NHTSA's allowance of the Option 1 system would mean that the agency would not consider petitions for the adoption of additional headlighting systems. The agency does not agree that new lighting concepts will be foreclosed from consideration. Each new concept will be judged on its merits.

### Impact Analyses

NHTSA has considered this rule and has determined that it is not major within the meaning of Executive Order 12291, "Federal Regulation" or significant under Department of Transportation regulatory policies and procedures, as its adoption does not require any person to change current practices under the standard. A regulatory evaluation has been prepared and placed in the docket. (A free copy of this document can be obtained from the Docket Section.) The rule will not impose any additional requirements but will permit manufacturer greater flexibility in the design of headlighting systems and adjacent exterior vehicle surfaces. Use of this flexibility will allow improvements in safety, aerodynamic efficiency and fuel economy. The extent of such improvement is dependent on the extent to which manufacturers take advantage of the new headlamp designs permitted by the option.

*Safety benefits.* The agency has determined that use of the replacement bulb headlamp has the potential to provide several safety benefits as well as increase fuel economy through reducing aerodynamic drag and vehicle weight. One such potential benefit is that the aerodynamic shape of the lens may aid in keeping the lens cleaner and thus the light output higher. Further, the easy replacement of the bulb may result in faster replacement of burned out headlamps.

*Energy saving benefits.* Based on testing by Ford, it appears that use of the replaceable bulb headlamp would make possible a 2 percent reduction in aerodynamic drag. The slight weight reduction that could be achieved through use of plastics and the reduced aerodynamic drag would produce an average savings of 26 gallons over the life of a vehicle. Together, these quantifiable benefits could provide savings of \$4.00 per vehicle per year.

*Costs.* The safety benefits could, of course, be offset if in those instances in which fractures do occur, the economic costs of replacement were prohibitive. Concerns regarding this possibility were raised by some commenters. However, that agency's analysis does not indicate that the replacement costs would be prohibitive. The average installed cost for replacing today's halogen sealed beam unit is approximately \$20. The same figure for a replaceable bulb lamp complete with bulb would be about \$55 according to information provided by Ford. Corning, however, estimates that the cost could be as high as \$80.

The agency estimates that the initial consumer cost is \$19 per car or \$2 per year. The average annual incremental replacement cost to the vehicle owner is believed to range between \$1 and \$3 per lamp depending on the amount of stone damage experienced by the lamp. Therefore, the incremental annual consumer cost is believed to range from a cost of \$3 to \$5 per car per year. Considering the benefit of \$4, the net Consumer cost is estimated to range from a saving of \$1 to a cost of \$1 per car per year.

NHTSA has concluded that this rule will not have a significant impact on the human environment. The lamps that will be manufactured pursuant to the rule are expected to be lighter, thus slightly reducing the overall material content of the automobile. This would have a small positive effect on the environment. No adverse impact on safety is anticipated, although as noted above the greater resistance of plastic facing to fracture in on-road use could produce incremental safety benefits by reducing the number of occasions in which fractures result in loss of illumination.

The agency has also considered the impacts of this rule under the Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared. Manufacturers of motor vehicles and headlamps, those affected by the rule, are generally not small businesses within the meaning of the Regulatory Flexibility Act. Further, these manufacturers would be affected only to the extent that they elected to take advantage of the new headlighting option that is established by the rule. The number of different components in the inventories of headlamp distributors will increase, but not to the extent that any significant problem will be created. Finally, small organizations and governmental jurisdictions would be affected only to the extent that they choose to buy vehicles equipped with the new headlamps. The organizations and jurisdictions making that choice would not be significantly affected by the price of the new headlamps.

Because motor vehicle manufacturers must make timely decisions with respect to product plans for the 1984-model year, it is hereby found that an effective date earlier than 180 days after issuance of the rule is in the public interest. The rule is effective July 1, 1983.

The engineer and lawyer primarily responsible for this rule are Jere Medlin and Taylor Vinson, respectively.

## List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

## PART 571—[AMENDED]

## § 571.108 [Amended]

In consideration of the foregoing, 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment*, is amended as follows:

1. Section S3 Definitions is amended by adding the following definitions so that all definitions in that section are in alphabetical order:

"Headlamp test fixture" means a device designed to support a replaceable bulb headlamp in the test position specified in the laboratory tests in S4.1.1.36(d), and whose mounting hardware and components are those necessary to operate the headlamp as installed in a motor vehicle.

"Replaceable bulb headlamp" means a headlamp comprising a bonded lens and reflector assembly, and a standardized replaceable light source.

"Seasoning" means a process of energizing the filament of a headlamp, at design voltage, for a period of time equal to 1 percent of average rated laboratory life.

"Standardized replaceable light source" means an assembly of a headlamp bulb, base, and terminals, as described in Figure 1.

2. New Sections S4.1.1.36, S4.1.1.37, S4.1.1.38, S4.1.1.39 and S4.1.1.40 are added to read as follows:

S4.1.1.36 Instead of being equipped with a headlighting system specified in Table I or Table III, a passenger car, multipurpose passenger vehicle, truck, or bus manufactured on or after July 1, 1983, may be equipped with two replaceable bulb headlamps which are designed to conform to the following requirements.

(a)(1) Each replaceable bulb headlamp shall include components which are designed to conform to the applicable specifications of paragraph S4.1.1.36 and Figure 3—*Specifications For The Standardized Replaceable Light Source*, including filament location, base and socket dimensions, electrical connector dimensions, and maximum design wattage.

(2) The exterior face of each replaceable bulb headlamp lens shall have three pads which meet the requirements of Figure 4, *Dimensional Specifications for Location of Aiming Pads on Replaceable Bulb Headlamp Units*, and which form an aiming plane for mechanically adjusting and inspecting headlamp aim. The exterior

lens face shall have molded into it the specific settings applicable to the headlamp as designed to be installed in the vehicle, for each of the two adjustable legs of the aiming device locating plate; e.g., "11H 17V" requires the horizontal aiming pad leg to be set in position 11, and the vertical aiming pad leg to be set in position 17.

(b) Each replaceable bulb headlight shall meet the following sections of the specified SAE Standards and Recommended Practices:

(1) Section 4.6—Photometry of SAE J575 "Tests for Motor Vehicle Lighting Devices and Components" June 80.

(2) Section 3.1—Test Voltage, and Section 3.5—Photometric Design Requirements including Figure 3 and Table 1 of SAE J579c "Sealed Beam Headlamp Units for Motor Vehicles" December 1978, except that the aiming plane on the lens shall be at horizontal and vertical distances to the photometer axis as inscribed on the lens of a replaceable bulb headlamp.

(3) Section 5—General Requirements, Section 6—Design Requirements and Tests (to the extent listed below), Section 6.1—Aiming Adjustment Test, Section 6.2—Inward Force Test, and Section 6.4—Connector Tests of SAE J580 "Sealed Beam Headlamp Assembly" August 1979.

(c) A headlamp with a glass lens need not meet the abrasion resistance test specified in S6.2, nor the impact test specified in S6.11.

(d) When tested according to any of the procedures indicated in subparagraphs (1) through (8), a replaceable bulb headlamp shall meet the appropriate requirement:

(1) After an abrasion test conducted in accordance with S6.2, the headlamp shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(2) After a vibration test conducted in accordance with S6.3, there shall be no evidence of loose or broken parts visible without magnification, except that the filament need not be unbroken.

(3) After a chemical resistance test involving exposure to any of the fluids listed in S6.4, there shall be no surface deterioration, coating delamination, fractures, deterioration of bonding materials, color bleeding or color pick-up visible without magnification, and the headlamp shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(4) After a corrosion test conducted in accordance with S6.5, there shall be no evidence of external or internal corrosion or rust visible without

magnification. Loss of adhesion of any applied coating shall not occur more than .125 inch (3.2 mm) from any sharp edge on the inside or outside. Corrosion may occur on terminals provided there is no voltage drop greater than 3 percent from that measured before the test when measured per paragraph 6.4 of SAE J580 August 1979.

(5) After a dust test conducted in accordance with S6.6, the headlamp shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(6) The headlamp shall first meet the requirements of paragraph (d)(6)(A) and then those of paragraph (d)(6)(B).

(A) After a temperature cycle test conducted in accordance with S6.7.1, the headlamp shall show no evidence of delamination, fractures, entry of moisture or deterioration of bonding material, color bleeding, warpage or deformation visible without magnification, or lens warpage greater than .118 inch (3 mm) when measured perpendicular to the aiming plane at the point of intersection of the mechanical axis with the exterior surface of the lens, and it shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(B) After an internal heat test conducted in accordance with S6.7.2, there shall be no lens warpage greater than .118 inch (3 mm) when measured perpendicular to the aiming plane at the point of intersection of the mechanical axis with the exterior surface of the lens, and it shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(7) After a humidity test conducted in accordance with S6.8, the inside of the headlamp shall show no evidence of delamination or moisture, fogging or condensation visible without magnification, and the headlamp shall meet the photometric requirements of SAE J579c, "Sealed Beam Headlamp Units for Motor Vehicles" December 1978.

(8) After an impact test on a headlamp with a plastic lens conducted in accordance with S6.11, there shall not be any fracture of the adhesion of lens coating or delamination of materials visible without magnification, and the lens shall not be broken, cracked, or chipped.

S4.1.1.37 Each lens-reflector unit manufactured as replacement equipment for a replaceable bulb headlamp system shall conform to the requirements of

S4.1.1.36 when a standardized replaceable light source is inserted in it.

S4.1.1.38 Each standardized replaceable light source shall conform to the following requirements:

(a) A silicone O-ring shall be provided.

(b) The bulb portion of the standardized replaceable light source shall meet the requirements in paragraphs (b)(1) through (b)(6) of this section.

(1) The general specifications of the bulb shall be:

	Low beam	High beam
Watts @12.8 V.....	45	65
Lumens (without black cap) @12.8 V.....	<sup>1</sup> 1067±7%	<sup>1</sup> 1736±7%
Average Life @14.0 V.....	<sup>2</sup> 320	<sup>2</sup> 150

<sup>1</sup> Percent.  
<sup>2</sup> Hours.

(2) The bulb filaments shall be subject to seasoning prior to wattage and lumens measurement.

(3) Wattage and lumens measurements shall be made with the direct current test voltage regulated within one quarter of one percent.

(4) Except for reference dimensions, and unless otherwise specified, a general tolerance of ±0.004 in. (0.10 mm) shall apply to all linear dimensions and ±1°.00' shall apply to all angular dimensions.

(5) Bulb, lead wires and/or terminals shall be installed in the base so as to provide an airtight seal.

(6) After a bulb deflection test conducted in accordance with S7, the permanent deflection of the glass envelope of each standardized replaceable light source shall not exceed .005 inch (.13 mm) in the direction of the applied force in the base.

S4.1.1.39 Each motor vehicle manufactured on or after July 1, 1983, and before July 1, 1984, which is equipped with a replaceable bulb headlamp system shall also be provided with a spare standardized replaceable light source as original equipment for such vehicle.

S4.1.1.40 The lens of each replaceable bulb headlamp that conforms with this standard, and the side of the base of each standardized replaceable light source shall be marked

that the headlamp or light source conforms to all applicable Federal motor vehicle safety standards.

3. New Sections S6, S7, and S8 are added to read:

S6 *Tests and procedures for replaceable bulb headlamps.* When tested according to the procedures below, each replaceable bulb headlamp shall meet the requirements of S4.1.1.36 (b) and (d).

S6.1 *Photometry.* A headlamp shall be tested according to Section S3.5, Photometric Design Requirements of SAE Standard J579c "Sealed Beam Headlamp Units for Motor Vehicles" December 1978, after the tests specified in S6.2, S6.4, S6.6, S6.7(a), S6.7(b) and S6.8.

S6.2 *Abrasion.* (a) A headlamp shall be mounted in the abrasion test fixture in the manner indicated in Figure 5 with the lens facing upward.

(b) An abrading pad meeting the requirements in paragraphs (c)(1) through (c)(4) of this section shall be cycled back and forth (1 cycle) for 11 cycles at 4 ± 0.8 in. (10 cm ± 2 cm) per second over at least 80 percent of the lens surface, including all the area between the upper and lower aiming pads, but not including lens covers and edges.

(c)(1) The abrading pad shall be not less than 1.0 ± .04 in. (2.5 cm ± .1 cm) wide, constructed of 0000 steel wool, and rubber cemented to a rigid base shaped to the same vertical contour of the lens. The "grain" of the pad shall be perpendicular to the direction of motion.

(2) The abrading pad support shall be equal in size to the pad and the center of the support surface shall be within ±.08 in. (±2 mm) of the lens surface.

(3) The density of the abrading pad shall be such that when the pad is mounted to its support and is resting unweighted on the lens, the base of the pad shall be no closer than .125 in. (3.2 mm) to the lens at its closest point.

(4) When mounted on its support and resting on the lens of the test headlamp, the abrading pad shall then be weighted such that a pad pressure of 2.0 ± .15 psi (14 ± 1 KPa) exists at the center and perpendicular to the face of the lens.

(d) A pivot shall be used if it is required to follow the contour of the lens.

(e) Unused steel wool shall be used for each test.

S6.3. *Vibration.* A vibration test shall be conducted according to the procedures in SAE Standard J575e, "Tests for Motor Vehicle Lighting Devices and Components" August 1970, and those set forth in paragraphs (a) through (c) of this section.

(a) The table on the adapter plate is of sufficient size to contain completely the test fixture base with no overhang.

(b) The direction of vibration is the vertical axis of the headlamp as mounted on the vehicle.

(c) The filament is cold (not energized).

S6.4. *Chemical resistance.* (a) The entire exterior lens surface of the fixtured headlamp and top surface of the lens-reflector joint shall be wiped once to the left and once to the right with a 6-inch square soft cotton cloth (with pressure equally applied) which has been saturated once in a container with 2 ounces of one of the test fluids listed in paragraph (b) of this section. The lamp shall be wiped within 5 seconds after removal of the cloth from the test fluid.

(b) The test fluids are:

(1) gasoline—unleaded 89 octane

(R+M)

2

or above used per OSHA Std. 29 CFR 1910-106—Handling Storage and Use of Flammable Combustible Liquids.

(2) tar remover (petroleum base with Xylene).

(3) power steering fluid.

(4) windshield washer fluid consisting of 1.5% monethinalamine with the remainder 50% concentrations of methanol/distilled water by volume.

(5) antifreeze (50% concentration of ethylene glycol/distilled water by volume).

(c) After the headlamp has been wiped with the test fluid, it shall be stored in designed operating attitude for 48 hours at a temperature of 73°F ± 7° (23°C ± 4°) and a relative humidity of 30 ± 10 percent. At the end of the 48 hour period, the headlamp shall be wiped clean with a soft dry cotton cloth and visually inspected.

S6.5. *Corrosion.* The headlamp, unfixtured and in its designed operating attitude with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be subjected to a salt spray (fog) test in accordance with ASTM B117-73, "Method of Salt Spray (FOG) Testing," for a period of a 240 hours, consisting of ten successive 24-hour intervals. During each interval, the headlamp shall be exposed for 23 hours to the salt spray, which shall not be activated for the 24th hour. The bulb shall be removed during the one hour of salt spray deactivation

"D" which shall constitute a certification  
with the symbol "DOT" or "T"

and reinserted for the start of the next test cycle.

**S6.6. Dust.** The headlamp, mounted on a test fixture, with all drain holes, breathing devices or other designed openings in their normal operating positions, shall be positioned within a cubical box, with inside measurements of 35.4 in. (900 mm) on each side or larger if required for adequate wall clearance, i.e., a distance of at least 5.9 in. (150 mm) between the headlamp and any wall of the box. The box shall contain 9.9 lb. (4.5 kg) of fine powdered cement which conforms to the ASTM C150-77 specification for Portland Cement. Every 15 minutes, the cement shall be agitated by compressed air or fan blower(s) by projecting blasts of air for a two-second period in a downward direction so that the cement is diffused as uniformly as possible throughout the entire box. This test shall be continued for five hours after which the exterior surfaces of the headlamp shall be wiped clean.

**S6.7 Temperature and internal heat tests.**

**S6.7.1 Temperature cycle.** A headlamp, mounted on a headlamp test fixture, shall be exposed to 10 complete consecutive thermal cycles having the thermal cycle profile shown in Figure 6. During the hot cycle, the highest wattage filament in the headlamp shall be energized at design voltage commencing at point "A" of Figure 6 and de-energized at point "B". Separate or single test chambers may be used to generate the temperature environment described by the thermal cycle profile. All drain holes, breathing devices or other designed openings of the headlamp shall be in their normal operating positions.

**S6.7.2 Internal heat.**

(a) After its lens surface has been cleaned, the photometric output on upper beam of a headlamp that has been tested according to S6.7.1 is measured.

(b) The lens surface of the headlamp that would normally be exposed to road dirt shall be sprayed uniformly with any appropriate mixture of dust and water or other material to reduce the photometric output at the test point H-V of the lamp to  $25\% \pm 2\%$  of the output originally measured in the high beam photometric test under paragraph (b) of S4.1.1.36. Such reduction shall be determined under the same conditions under which the original measurement was made.

(c) After the determination has been made that the photometric output of the lamp has been reduced as specified in S6.7.2, the lamp and its mounting

hardware shall be mounted in an environmental test chamber in the manner similar to that indicated in Figure 7 "Dirt-Ambient Test Setup." The headlamp shall be soaked for one hour at a temperature of 95°F (35°C) and then be energized for one hour in a still air condition, allowing the temperature to rise from 95°F (35°C).

(d) The lamp shall be returned to the room ambient temperature,  $73 \pm 7^\circ\text{F}$  ( $23 \pm 4^\circ\text{C}$ ) and relative humidity of  $30 \pm 10\%$ . The lens shall then be cleaned. Photometric output of the lamp on high beam shall be determined according to S6.1.

**S6.8 Humidity.** The headlamp, mounted on a test fixture, shall be placed in a controlled environment consisting of a temperature of  $100^\circ\text{F} \pm 9^\circ$  ( $38^\circ\text{C} \pm 5^\circ$ ) with a relative humidity of  $90\% \pm 10\%$ . All drain holes, breathing devices, and other designed openings shall be in their normal operating positions. The headlamp shall be subjected to 20 consecutive 6-hour test cycles. In each cycle, it shall be energized at design voltage on the highest wattage filament contained in the device for 1 hour and then de-energized for 5 hours. After completion of the last cycle, the lamp shall be soaked for 1 hour at 73°F (20°C) and a relative humidity of  $30\% \pm 10\%$  before it is removed for photometric testing. The headlamp shall be tested for photometrics at  $10 \pm 1$  minutes following completion of the humidity test.

**S6.9 Impact.** The headlamp shall be rigidly mounted in a headlamp test fixture on the seating lugs with the mechanical axis (bulb socket axis) vertical, and the lens upward. The seating plane of the test fixture shall consist of oakwood 0.5 inch (13 mm) thick. One impact shall be delivered to the center of the lens on the mechanical axis using a steel ball bearing with a diameter of .9055 in. (23 mm) weighing 1.76 oz. (50 grams), dropped freely from a distance of 15.75 in. (40 cm) from the bottom of the ball to the surface of the lens, at the intersection of the ball trajectory and the mechanical axis of the headlamp.

**S7 Deflection test for replaceable bulb.** Each replaceable bulb shall meet the requirements of S4.1.1.38(b)(6) when tested in the following manner. With the bulb rigidly mounted in a fixture in a manner indicated in Figure 8, apply a force of  $4.0 \pm 0.1$  lb. ( $17.8 \pm 4\text{N}$ ) perpendicular to the longitudinal axis of the glass envelope and perpendicular to, and in a line intersecting, the lateral axis of the low beam filament. The force shall be applied to the outside surface of

the glass envelope using a rod with a hard rubber tip with a minimum spherical radius of .039 in. (1 mm).

**S8 Aiming device locating plate for replaceable bulb headlamps.** Each motor vehicle manufactured on or after July 1, 1983, and before July 1, 1984, which is equipped with a replaceable bulb headlamp system shall be furnished with a Headlamp Aiming Device Locating Plate, conforming to:

(a) The general requirements of SAE J602, October 1980 "Headlamp Aiming Device for Mechanically Aimable Sealed Beam Headlamp Units", and Figure 9, except that the general and specific references in that standard to sealed beam headlamp units shall be read as applicable to replaceable bulb headlamps, and references in that standard to dimensions for headlamp aiming device locating plates shall be read in reference to the dimensions specified in this section.

(b)(1) If a suction cup is used to retain a mechanical aiming device to the headlamp unit, the overall diameter of the suction cup shall not exceed 2.8 in. (71 mm). The suction cup assembly shall be capable of securing the aiming device to a smooth lens surface angled up to 30 degrees universally from a transverse plane perpendicular to the H-V axis of the lamp.

(2) The aiming pad seating surface on the locating plate shall be free of burrs, projections, holes or impressions.

(3) There shall be no projections, tangs, or lugs on the locating plate that would prevent the seating surfaces locating with the aiming pads on the headlamp lens surface.

(4) Each of the two adjustable legs shall be capable of being extended, and locked in position, in increments of .10 in. (2.54 mm) with each increment measured from the '0' seating plane (perpendicular to the H-V axis of the lamp) with a maximum tolerance of  $\pm .01$  in. ( $\pm 0.25$  mm). The incremental positions extending out from the '0' seating plane shall be identified by whole numbers, i.e., '0', '1', '2', '3', through a minimum of '37' for the vertical adjustable leg and minimum of '20' for the horizontal adjustable leg.

4. New Figures 3 through 9 are added as follows:

(Secs. 103, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1403, 1407)); delegation of authority at 49 CFR 1.50)

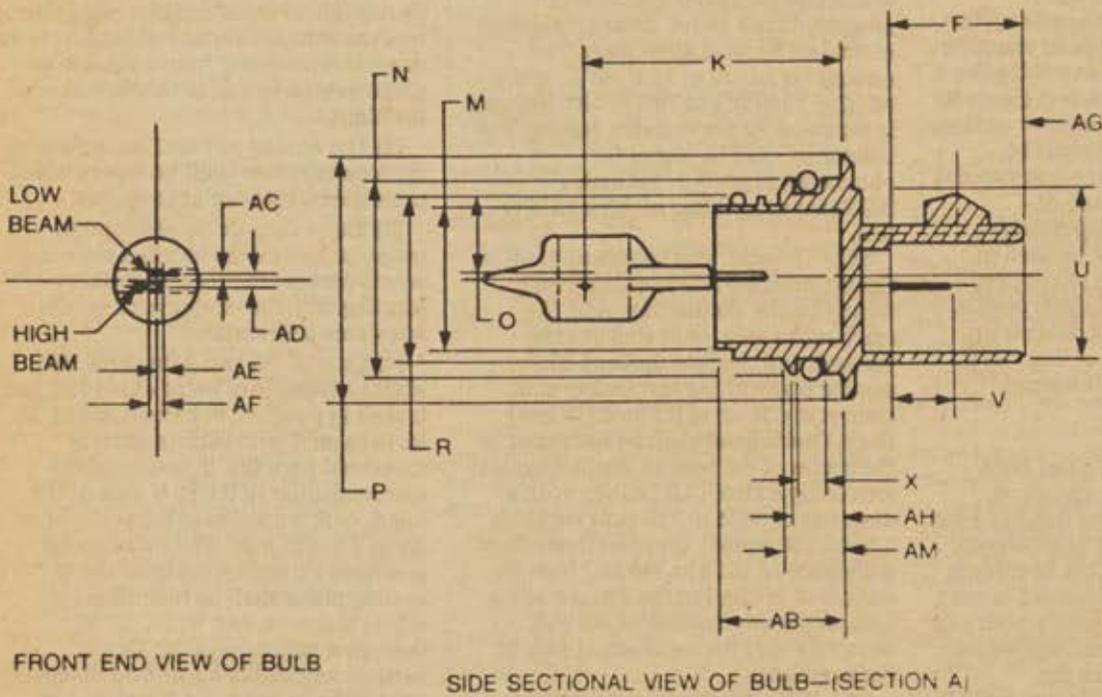
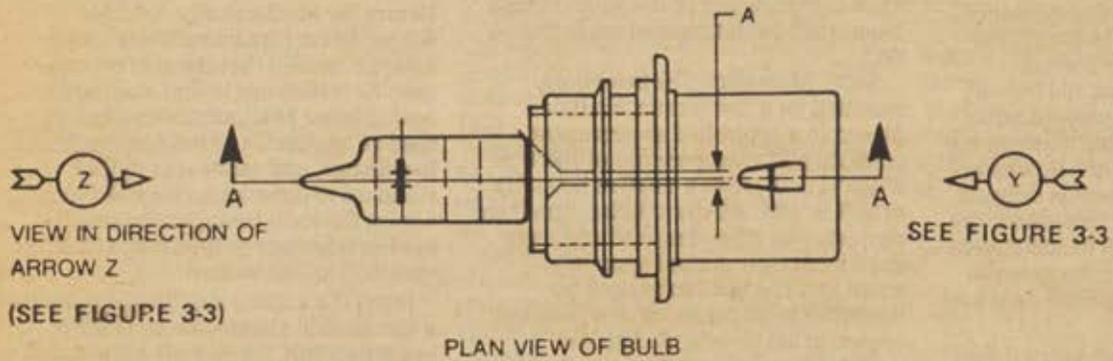
Issued on May 20, 1983

Raymond A. Peck, Jr.,  
Administrator.

BILLING CODE 4910-59-M

Figure 3  
SPECIFICATIONS FOR THE STANDARDIZED  
REPLACEABLE LIGHT SOURCE  
INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY

Figure 3-1



Note Except for reference dimensions and unless otherwise specified a general tolerance of  $\pm 0.04$  in (6.10 mm) shall apply to all linear dimensions and  $\pm 1^\circ$  shall apply to all angular dimensions specified in Fig. 3.

Figure 3-2

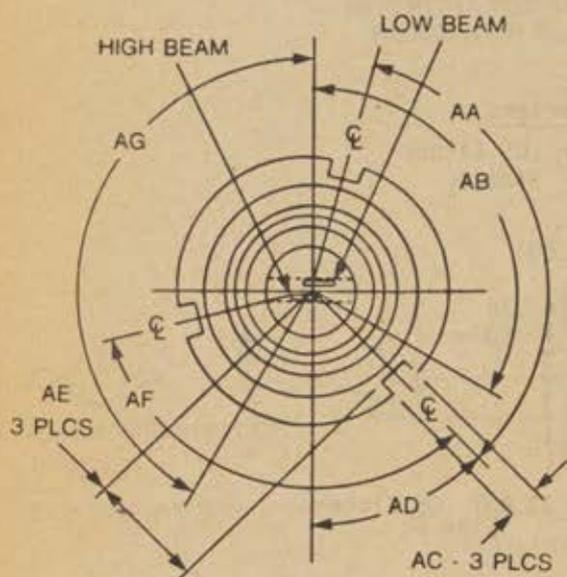
INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY

Dimensional Specifications  
Figure 3-1

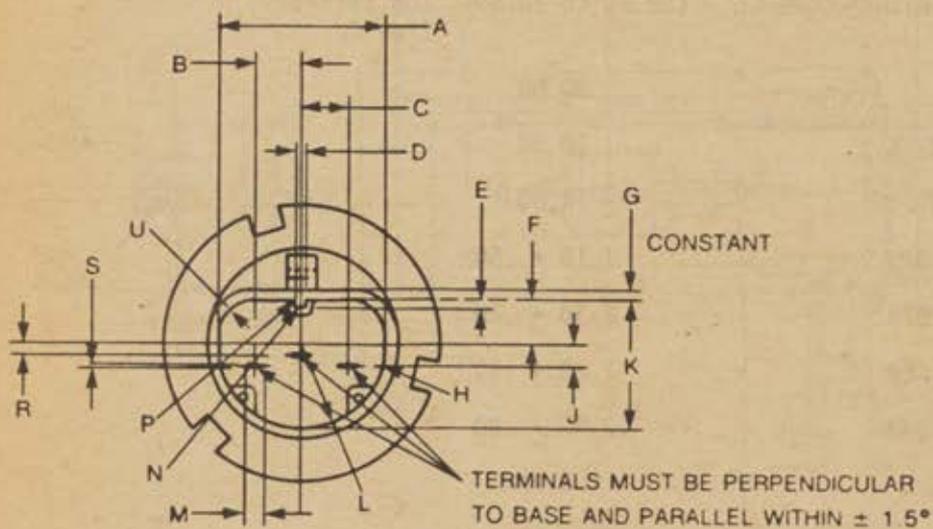
Dimension	Inches	Milimeters
A	.085 to .083 .002 Either Side CL	2.15 to 2.10 .05 Either Side CL
F	.906	23.00
K Low Beam High Beam	1.752 + .015 within .020 of position of low beam 1.752 ± .035	44.50 + .38 44.50 ± .90
M	.974	24.75
N	(1.335 to 1.331) .002 Either Side CL	(33.90 to 33.80) .05 Either Side CL
O TO BE A FEF DIM.)	.517 ± 0.020	13.13 ± .050
P	1.673	42.50
R	(1.126 to 1.222) .002 Either Side CL	(28.60 to 28.50) .05 Either Side CL
U	1.181	30.00
V	.413	10.50
X	.189	4.80
AC	.045 ± .020	1.15 ± .50
AD	.091 ± .028	2.30 ± .70
AE	.047 ± .020	1.20 ± .50
AF	.094 ± .032	2.40 ± .80
AH	.356	9.05
AM	.454	11.55
<u>Reference Dimensions</u>		
AB	.866	22.00
#K High Beam	1.752	44.50

### INTERCHANGEABILITY DRAWING HEADLAMP BULB ASSEMBLY

Figure 3-3



VIEW Z - FROM BULB END



VIEW Y - FROM CONNECTOR END

Figure 3-4

Interchangeability Drawing  
Headlamp Bulb AssemblyDimensional Specifications  
Figure 3-3

<u>Letter</u>	<u>Inches</u>	<u>Milimeters</u>
AA	120*	120*
AB	120*	120*
AC	.197	5.0
AD	44° 30*	44° 30*
AE	.722	18.35
AF	120*	120*
AG	150*	150*
AJ	.138	3.50
A	1.024	26.00
B	.289 + .010	7.35 + .25
C	.289 + .010	7.35 + .25
D	.055	1.40
E	.059	1.50
F	.278	7.05
G	.059	1.50
J	.142 + .010	3.60 + .25
K	.807	20.50
L	.531 R	13.50 R
M	.118	3.00
R	.075 + .010	1.90 + .25
S	.025 + .002	.63 + .25
U	.222 R	5.65 R

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
HALOGEN CAPSULE

Figure 3-5

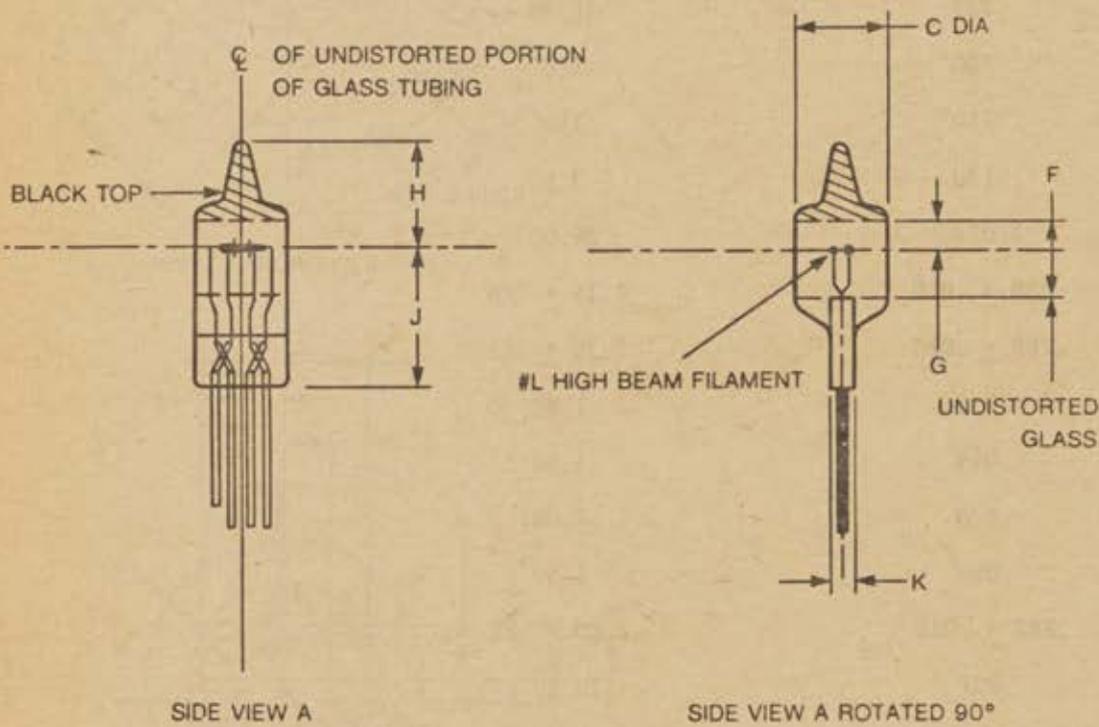


Figure 3-6

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
HALOGEN CAPSULEDimensional Specifications  
Figure 3-5

<u>Letter</u>	<u>Inches</u>	<u>Milimeters</u>
C	.579 + .012	14.7 + .50
F	.488 + .016	12.4 + .4
G	.217 + 0.20	5.50 + .5
L	.020 Either Side Low Beam Centerline	.50 Either Side Beam Centerline

## REFERENCE DIMENSIONS

H	.669 Max	17.00 Max
J	.866 + .035	22.00 + .90
K	.150 + .030	3.80 + .76

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
SOCKET (IN REFLECTOR)

Figure 3-7

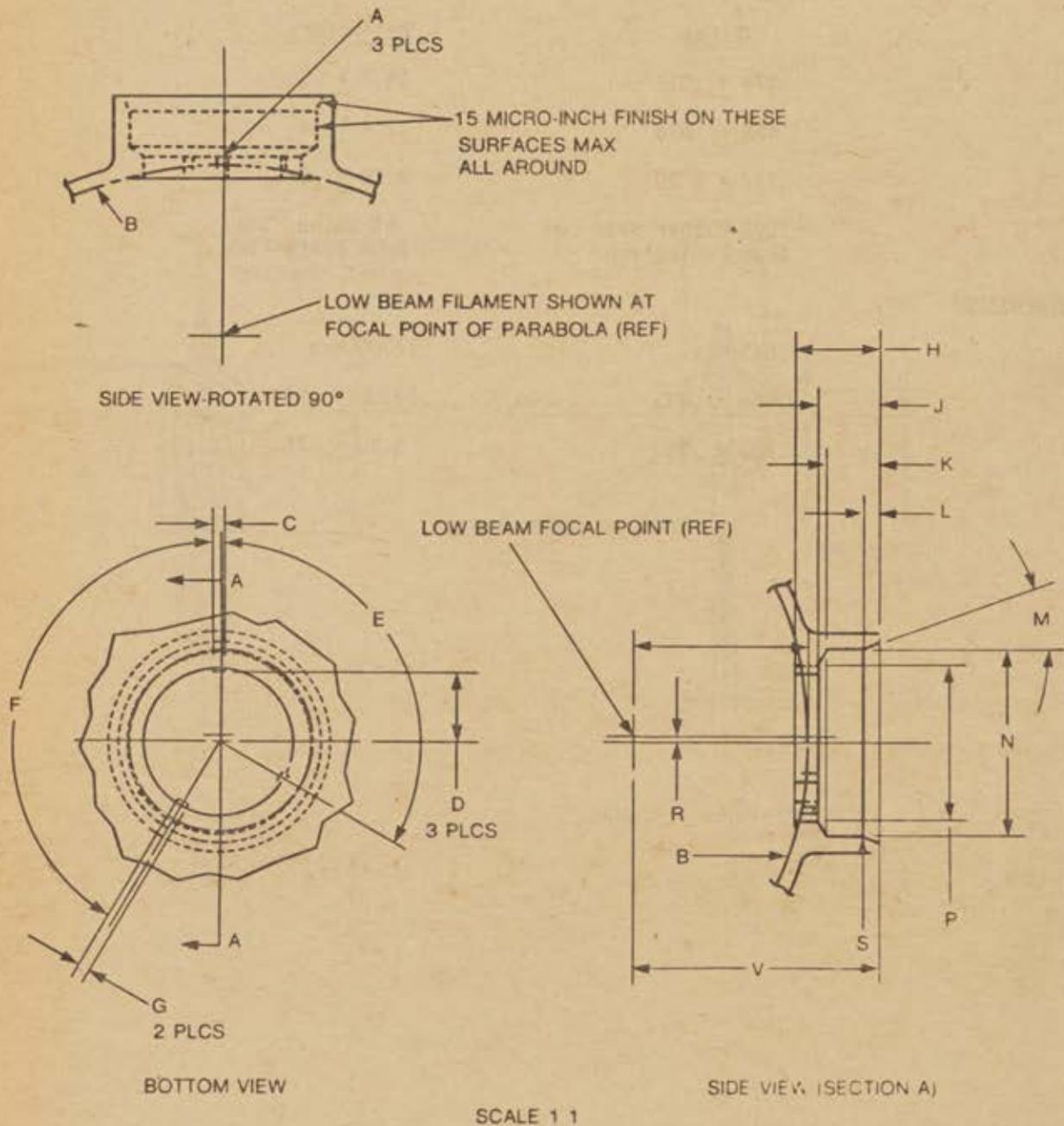


Figure 3-8

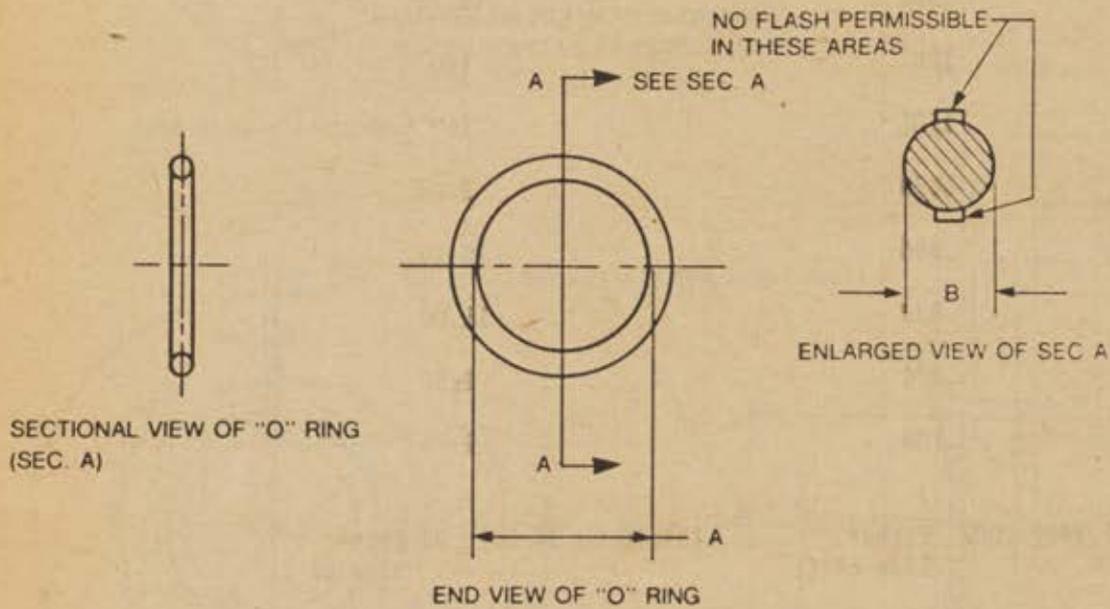
INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
SOCKET (IN REFLECTOR)

Dimensional Specifications  
Figure 3-7

Letter	Inches	Milimeters
B	Ref Line Lamp Parabola	Ref Line Lamp Parabola
C	$.079 \pm .002$ $+.002$ Either Side of CL	$2.00 \pm .05$ $.05$ Either Side of CL
D	.502	12.75
E	120°	120°
F	150°	150°
G	.079	2.00
H	.596	15.15
J	.433	11.00
K	.374	9.50
L	.108	2.75
N	(1.350 to 1.346) $.002$ Either Side of CL	(34.30 to 34.20) $.05$ Either Side of CL
P	(1.132 to 1.128) $.002$ Either Side of CL	(28.75 to 28.65) $.05$ Either Side of CL
R	.045	1.15
REFERENCE DIMENSIONS		
A	.032 R	.8 R
M	20°	20°
U	1.250	31.75
V	1.752	44.50

Figure 3-9

INTERCHANGEABILITY DRAWING  
HEADLAMP BULB ASSEMBLY  
'O' RING



## DIMENSIONS

A  
B

IN

1.109 ± .012  
.139 ± .004

MM

28.17 ± 0.30  
3.53 ± 0.10

Figure 4-1

**DIMENSIONAL SPECIFICATIONS  
FOR LOCATION OF AIMING PADS  
ON REPLACEABLE BULB HEADLAMP UNITS**

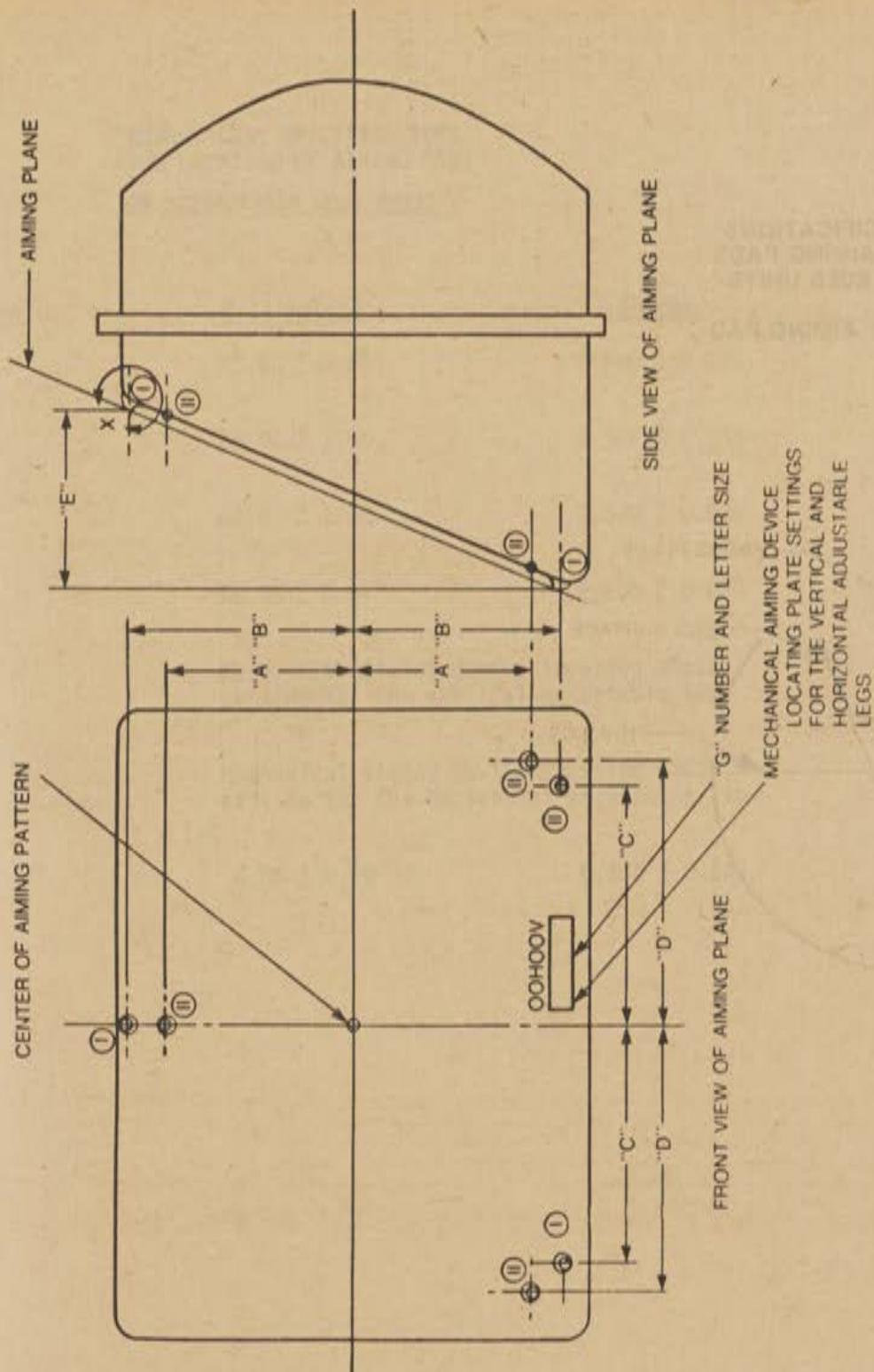


Figure 4-2

**DIMENSIONAL SPECIFICATIONS  
FOR LOCATION OF AIMING PADS  
ON REPLACEABLE BULB UNITS**

**DETAIL EXAMPLE OF AIMING PAD**

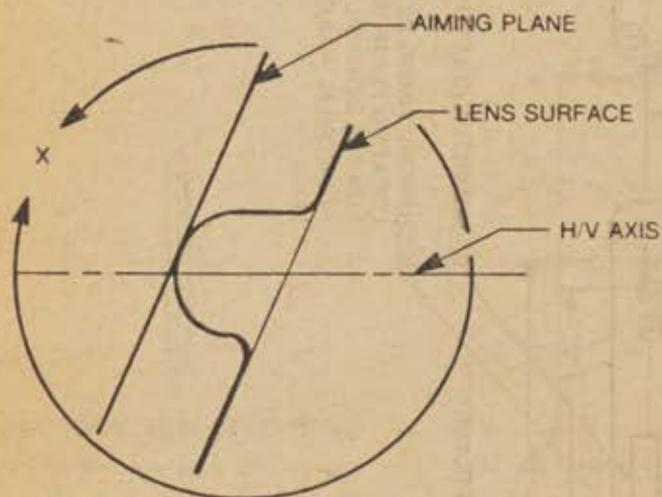


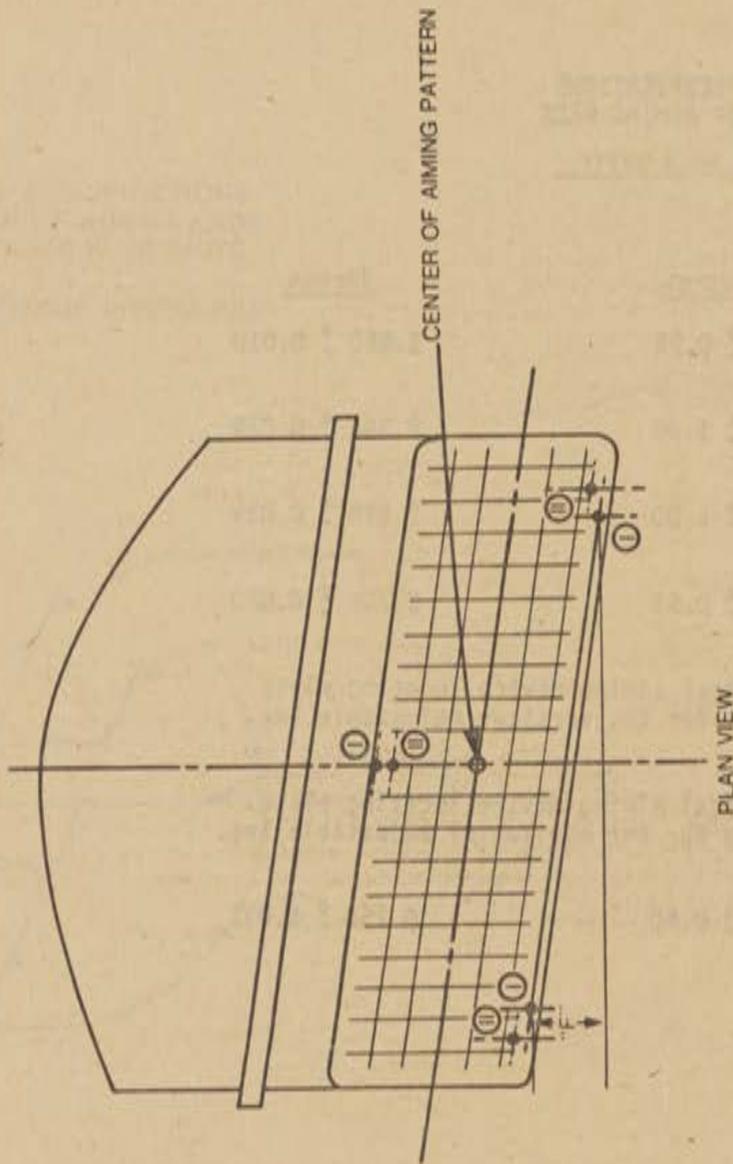
Figure 4:4

**DIMENSIONAL SPECIFICATIONS  
FOR LOCATION OF AIMING PADS  
ON REPLACEABLE BULB UNITS**

<u>Dimension</u>	<u>Millimetres</u>	<u>Inches</u>
A	42.16 $\pm$ 0.25	1.660 $\pm$ 0.010
B	60.05 $\pm$ 1.00	2.364 $\pm$ 0.039
C	64.0 $\pm$ 1.00	2.520 $\pm$ 0.039
D	68.58 $\pm$ 0.51	2.700 $\pm$ 0.020
E	Mechanical aiming device locating plate setting for the vertical adjustable leg.	
F	Mechanical aiming device locating plate setting for the horizontal adjustable leg.	
G	6.35 $\pm$ 0.80	0.250 $\pm$ 0.032

Figure 4-3

**DIMENSIONAL SPECIFICATIONS  
FOR LOCATION OF AIMING PADS  
ON REPLACEABLE BULB UNITS**



**NOTES**

- Group I or Group II aiming pad locations may be used
- Group I aiming pad location (front view) is that prescribed for 2R1 sealed beam units
- Group II aiming pad location (front view) is that prescribed for 1A1, 2A1 sealed beam units

ABRASION TEST FIXTURE

Figure 5

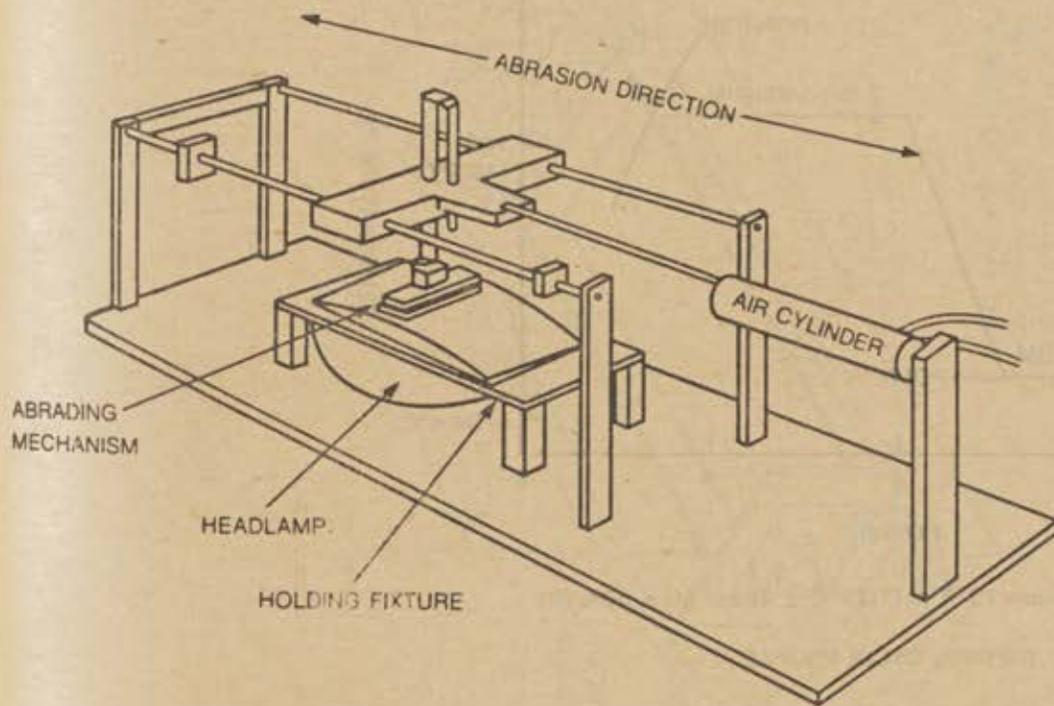
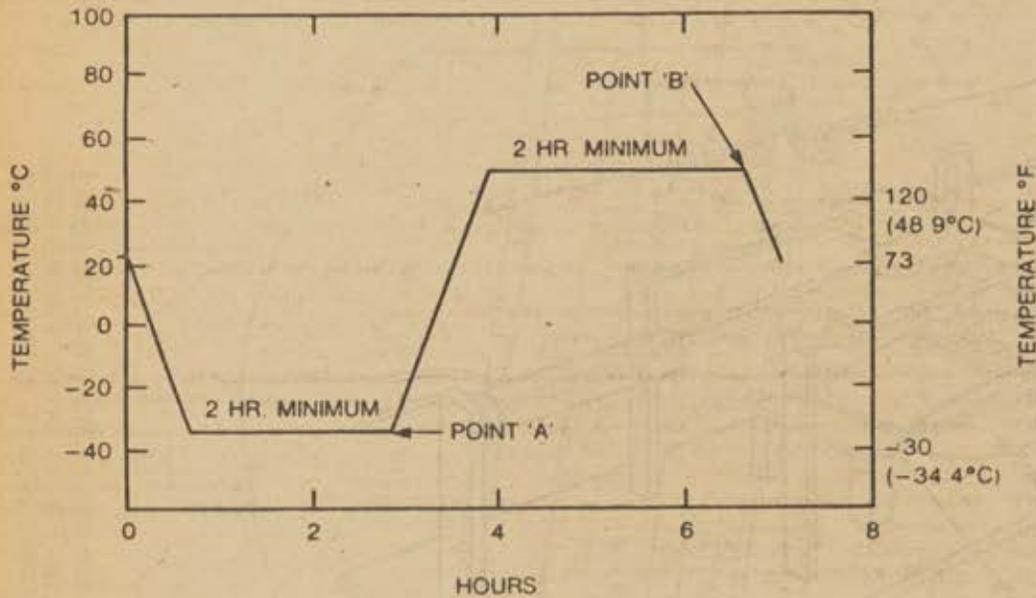


Figure 6

AMBIENT TEMPERATURE TRANSITION RATES  
MINIMUM 0.6°C (1°F) PER MINUTE  
MAXIMUM 4°C (8°F) PER MINUTE



Note: Ambient Conditions 73°F ± 7° (23°C ± 4) and 30 ± 10% RH

THERMAL CYCLE PROFILE

Figure 7

## DIRT/AMBIENT TEST SETUP

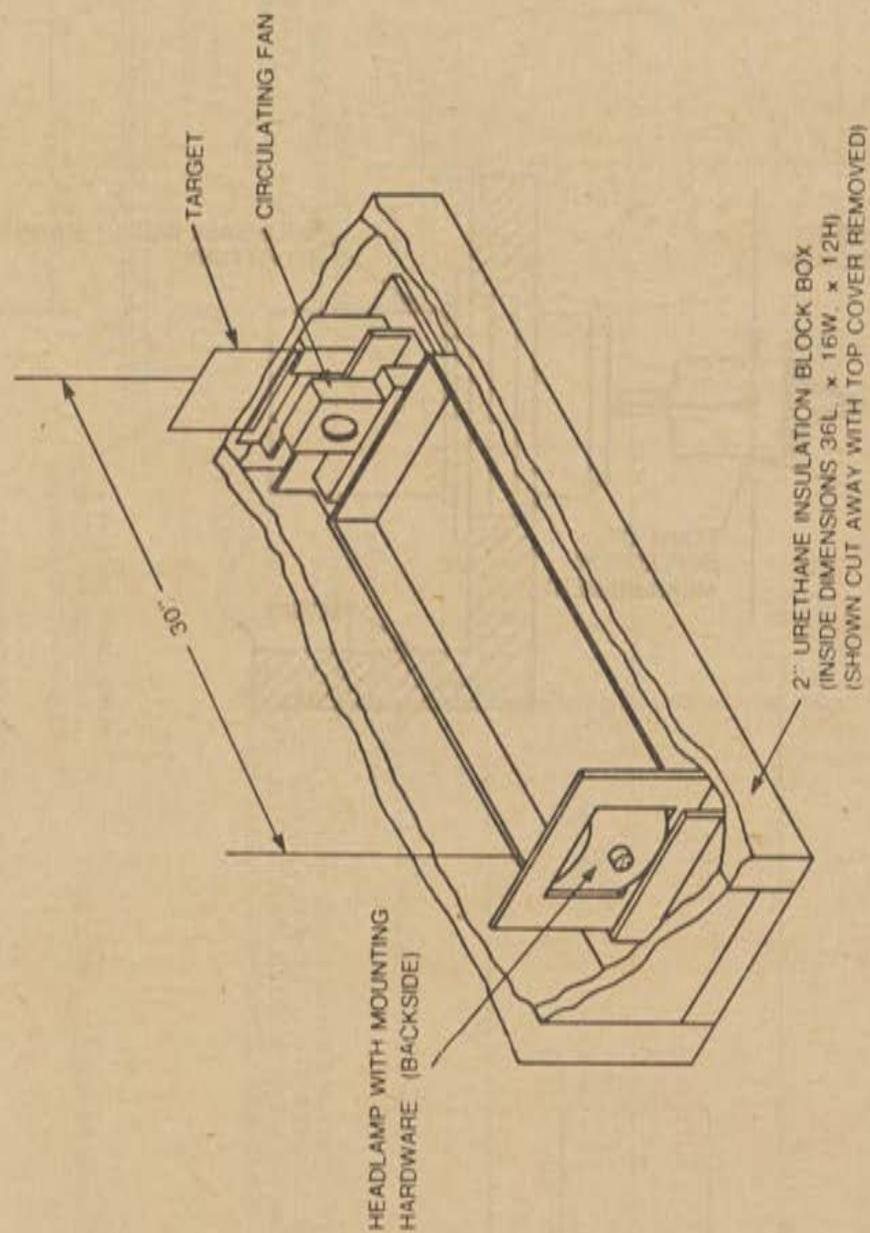
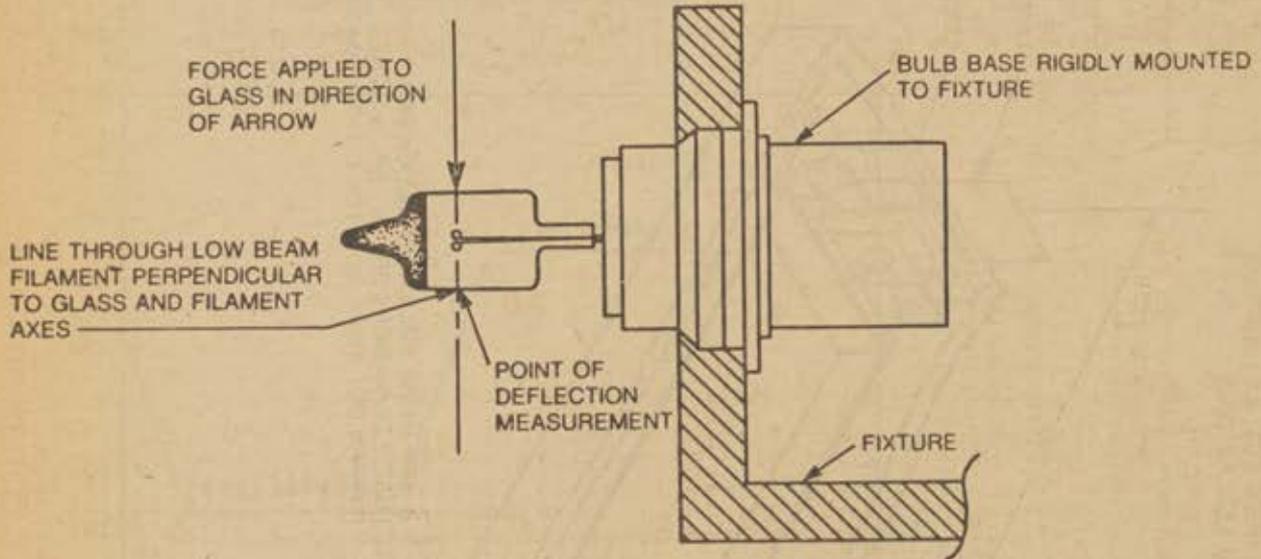


Figure 8

**BULB DEFLECTION TEST**



**DIMENSIONAL SPECIFICATIONS FOR ADJUSTABLE LOCATING PLATES FOR USE WITH A MECHANICAL HEADLAMP AIMING DEVICE FOR GROUP I AND II (PER FIG. 4-1) AIMING PAD LOCATIONS**

ALL DIMENSIONS IN MILLIMETERS AND INCHES (WHEN NOTED)

IF REFERENCE BETWEEN DEVICES IS REQUIRED FOR LATERAL AIM, THE MEANS PROVIDED FOR REFERENCING LATERAL ALIGNMENT BETWEEN DEVICES (SIGHT LINE, STRING, OR EQUIVALENT) SHALL BE LOCATED IN THIS AREA.

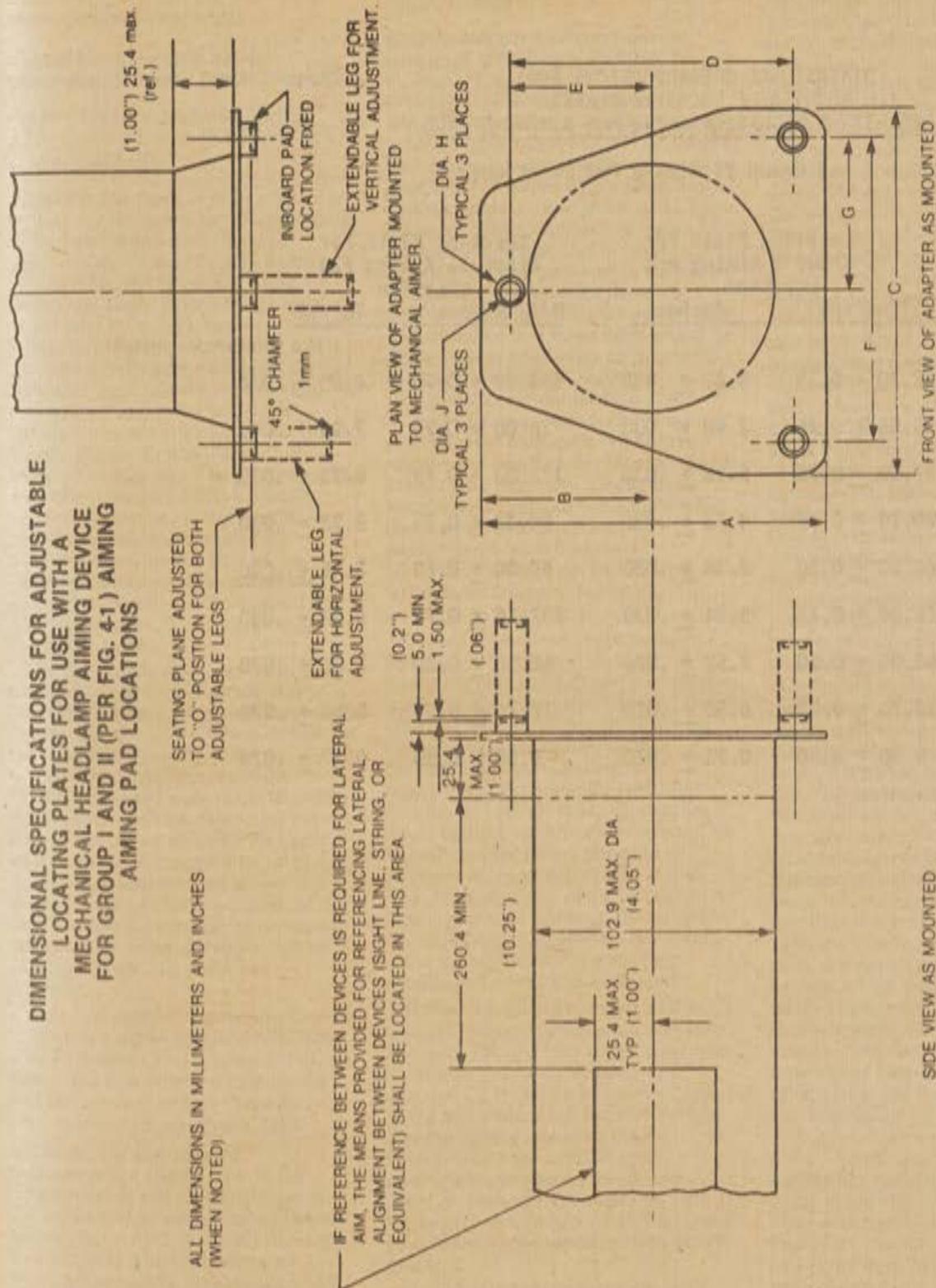


Figure 9-1

Figure 9-2

**DIMENSIONAL SPECIFICATIONS FOR  
ADJUSTABLE LOCATING PLATES  
FOR USE WITH A MECHANICAL HEADLAMP AIMING DEVICE**

(Group I and Group II Aiming Pad Locations)

Dimension	Locating Plate For Group I Aiming Pad Location		Locating Plate For Group II Aiming Pad Location	
	Millimeters	Inches	Millimeters	Inches
A	147.30 $\pm$ 0.75	5.80 $\pm$ .030	104.00 $\pm$ 0.75	4.09 $\pm$ .030
B	73.65 $\pm$ 0.75	2.90 $\pm$ .030	76.00 $\pm$ 0.75	2.99 $\pm$ .030
C	157.00 $\pm$ 0.75	6.18 $\pm$ .030	171.00 $\pm$ 0.75	6.73 $\pm$ .030
D	120.10 $\pm$ 0.75	4.73 $\pm$ .030	84.33 $\pm$ 0.75	3.32 $\pm$ .030
E	60.50 $\pm$ 0.50	2.38 $\pm$ .020	60.00 $\pm$ 0.50	2.36 $\pm$ .020
F	128.00 $\pm$ 0.75	5.04 $\pm$ .030	137.16 $\pm$ 0.75	5.40 $\pm$ .030
G	64.00 $\pm$ 0.50	2.52 $\pm$ .020	68.58 $\pm$ 0.50	2.70 $\pm$ .020
H	12.70 $\pm$ 0.50	0.50 $\pm$ .020	12.70 $\pm$ 0.50	0.50 $\pm$ .020
J	9.50 $\pm$ 0.50	0.37 $\pm$ .020	9.50 $\pm$ 0.50	0.37 $\pm$ .020

[FR Doc. 83-14502 Filed 5-26-83; 9:07 am]

BILLING CODE 4910-59-C

## 49 CFR Part 571

[Docket No. 74-14; Notice 30]

**Federal Motor Vehicle Safety Standards; Occupant Crash Protection****AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.**ACTION:** Final rule.

**SUMMARY:** The purpose of this notice is to delay for two years the effective date of the comfort and convenience requirements for seat belts in Safety Standard No. 208 *Occupant Crash Protection*. These requirements were issued January 8, 1981, to promote the installation of more comfortable and convenient belts by specifying additional performance requirements for both manual and automatic belts installed in motor vehicles with a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds or less. The requirements were originally scheduled to become effective September 1, 1982, but in partial response to petitions for reconsideration, and in light of the agency's rescission of the automatic restraint requirements of Standard No. 208, were delayed for one year to September 1, 1983.

The agency has now concluded that a further delay is necessary because of concerns that have arisen within the agency regarding the efficacy and level of stringency of certain of the requirements, and because of the unsettled state of future plans for seat belt designs. The two-year delay set forth in this notice will give the agency sufficient time to complete its review of performance characteristics of restraint design that would lead to enhanced comfort and convenience for users, and to resolve the many questions that have developed regarding particular provisions.

**DATES:** Any petitions for reconsideration of this rule must be received within 30 days after the date of publication of this notice. The new effective date for the seat belt comfort and convenience requirements is September 1, 1985.

**ADDRESS:** Any petitions for reconsideration should refer to the docket number and notice number of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590. Docket hours are from 8 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Robert Nelson, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh

Street, S.W., Washington, D.C. 20590 (202-426-2992).

**SUPPLEMENTARY INFORMATION:** On January 8, 1981, Safety Standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), was amended to specify additional performance requirements to enhance the comfort and convenience of both manual and automatic safety belts installed in vehicles with a GVWR of 10,000 pounds or less (46 FR 2064). Type 2 manual belts (combination lap and shoulder belts) installed in front outboard seating positions in passenger cars were excepted from these additional requirements because it was then assumed that these belts would be phased out of production in passenger cars as the automatic restraint requirements of Standard No. 208 became effective. However, the agency rescinded the automatic restraint requirements on October 29, 1981 (46 FR 53419). This rescission altered basic assumptions that had been made when the comfort and convenience requirements were first issued. Likewise, it altered the belt designs which manufacturers would be installing in future cars.

In partial response to petitions for reconsideration that were received concerning the comfort and convenience requirements, the agency delayed the effective date of the requirements for one year because of the changed circumstances surrounding the rescission of the automatic restraint requirement (47 FR 7254). The agency noted that it was difficult to respond to the substantive issues raised in the petitions for reconsideration, at that time, because many of the issues are no longer pertinent and because many of the rationales discussed by the agency when the requirements were first established must be re-evaluated.

During the agency's review of the comfort and convenience requirements following the one-year delay, questions arose concerning the efficacy and appropriate level of stringency of certain of the requirements. It became evident that the agency needed additional time to re-evaluate the comfort and convenience requirements in their entirety. Thus, on November 15, 1982, the agency proposed an additional two-year delay, to September 1, 1985 (47 FR 51432).

As noted in the proposal, agency experts have identified concerns about various countervailing safety consequences that could develop depending on the final form of the requirements. For example, tension-relieving devices on belt systems can

reduce belt pressure and increase comfort, but there is a concern that the increased belt slack due to misuse could reduce belt effectiveness. The proposal pointed out that the agency must have time to complete its evaluation and resolution of these and other similar conflicting considerations.

Eleven comments were received in response to the proposed two-year delay, and only one of these objected to the proposal. The State of Idaho Transportation Department strongly recommended against a further delay on the basis that this would hinder current national and State level education efforts to encourage the voluntary use of seat belts. All of the vehicle manufacturers which commented vigorously supported the proposed delay, as did the American Seat Belt Council. Three manufacturers, however, urged the agency to delay the requirements indefinitely, rather than to September 1, 1985. These manufacturers agreed that the agency needs additional time to re-evaluate the comfort and convenience requirements in their entirety, but they are concerned that the two-year period proposed would then leave no lead time for manufacturers prior to the effective date. One manufacturer stated, "A new effective date should not be specified before the final requirements are established."

The agency understands the manufacturers' concerns regarding lead time. There were many issues raised in the petitions for reconsideration to which the agency has not yet responded (e.g., objectivity of the requirements, test repeatability, conflicts with the requirements of other safety standards). However, the agency believes that a specific effective date, September 1, 1985, is preferable to an indefinite delay since it gives all parties, including the agency, a time frame within which to work. The agency will, of course, evaluate whether there is adequate lead time for manufacturers after all the issues have been resolved in this rulemaking, and modify the effective date accordingly if that is necessary.

In spite of the concerns raised by the Idaho Department of Transportation, the agency has concluded that a two-year delay in the effective date of the comfort and convenience requirements is necessary. As noted in the proposal, the issues involved in this proceeding have been clouded in uncertainty since the regulation was first adopted.

Safety belt designs are currently in a state of flux. Therefore, it is not certain exactly what type of restraints will be on the road in the foreseeable future. For this reason, the agency has

determined that it would be wise to delay the comfort and convenience requirements, to give the agency sufficient time to re-evaluate the requirements in light of evolving belt systems and avoid imposing possibly unnecessary costs. For example, one commenter to the proposal stated that it had been experimenting with a particular seat belt design for nearly two years and is still uncertain whether the design will consistently meet the somewhat conflicting requirements (in Standard No. 208) for full belt retraction, 0.7 pound chest force limitation and the retractive force requirements of Safety Standard No. 209 (49 CFR 571.209). The agency needs additional time to evaluate these and other similar problems.

Finally, as noted in the proposal, the agency believes that it is impossible at the current time to determine how to achieve or induce effective improvements in the comfort and convenience of belt systems until the occupant crash protection standard can be reviewed in its entirety. The two-year delay will allow the agency time to complete its evaluation of all the current provisions in terms of expected applicability, effectiveness, overall safety consequences and appropriate level of detail.

The agency does not believe that this delay will retard the introduction of new improved belt systems, in terms of comfort and convenience. One vehicle manufacturer which commented on the proposal specifically stated that it "plans to proceed voluntarily with a variety of improvements in seat belt comfort and convenience for 1984 and future models regardless of the proposed delay in effective date." The agency encourages other manufacturers to also voluntarily introduce improved comfort and convenience features in their belt designs during this interim period in which the agency is resolving the issues associated with the Standard No. 208 requirements.

The agency has examined the impacts of this amendment and determined that it is not major within the meaning of Executive Order 12291 or significant according to the Department of Transportation regulatory policies and procedures. The agency has prepared a final regulatory evaluation concerning the amendment, which has been placed in the Docket. (A free copy may be obtained by contacting the Docket Section.) That evaluation shows that the safety impact of the proposed delay will not be significant. The precise magnitude of the impact cannot be quantified because the agency has not

been able to successfully address in quantified terms the larger question of the effects of the comfort and convenience requirements. That adverse impact will be minimized as a result of the improved seat belt designs that are currently being introduced by manufacturers on a voluntary basis, partly in response to the dialogue generated by the proposal and adoption of the comfort and convenience requirements. The agency believes that manufacturers will experiment further during the two-year delay with innovative designs aimed at increasing the comfort and convenience of belt systems. This effort will at least partially offset any negative impacts that the delay might otherwise cause. The proposed delay will provide slight cost savings for both manufacturers and consumers.

NHTSA has also considered the impacts of this amendment under the Regulatory Flexibility Act. I hereby certify that amending Standard No. 208 to delay the effective date of the comfort and convenience requirements will not have significant economic impact on a substantial number of small entities for the reasons just discussed. The only small entities that would be affected would be small manufacturers or small organizations or governmental units that purchase vehicles. The effect would not be significant since the cost savings made possible by the delay would be slight.

Finally, NHTSA has analyzed this amendment for purposes of the National Environmental Policy Act. The agency has determined that implementation of this action will not have any significant impact on the quality of the human environment.

#### List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, the effective date of the comfort and convenience requirements of 49 CFR 571.208 that were issued January 8, 1981 (46 FR 2064) is hereby delayed from September 1, 1983, to September 1, 1985. (Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50)

Issued on May 27, 1983.

Diane K. Steed,  
Acting Administrator.

[FR Doc. 83-14812 Filed 5-31-83; 9:50 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 424

#### Recovery Plan for the Hawaiian Monk Seal

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.  
**ACTION:** Notice of availability.

**SUMMARY:** The Assistant Administrator for Fisheries has concurred with the approval of the Hawaiian Monk Seal Recovery Plan by the Director, Southwest Region, NMFS. The Plan, which was approved on April 1, 1983, was developed in accordance with Section 4(g) of the Endangered Species Act. The objective of the Plan is to provide a comprehensive research and management program to promote the recovery of the endangered Hawaiian monk seal. Copies of the Plan may be obtained by writing to the offices listed below.

**ADDRESSES:** Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731 or Administrator, Western Pacific Program Office, National Marine Fisheries Service, P.O. Box 3830, Honolulu, Hawaii 96812.

**SUPPLEMENTARY INFORMATION:** The Hawaiian monk seal is one of three species of monk seals. The Caribbean monk seal probably is extinct and the populations of the Mediterranean and Hawaiian monk seals have declined in recent history. The Hawaiian monk seal is confined to the Northwestern Hawaiian Islands. Based on information demonstrating that the Hawaiian monk seal population declined substantially since the late 1950s, the Secretary of Commerce designated the Hawaiian monk seal an endangered species pursuant to Section 4 of the Endangered Species Act of 1973. The final rule listing the Hawaiian monk seal became effective on November 23, 1976 (41 FR 51611).

On April 24, 1980, the Director, Southwest Region, National Marine Fisheries Service appointed a Recovery Team to prepare a comprehensive research and management plan that, when implemented, would promote the recovery of the Hawaiian monk seal. On March 25, 1983, the team submitted the final draft plan and on April 1, 1983, it was approved for implementation. The plan describes an extensive research program designed to identify causes of

instability in the monk seal population at several of the atolls in the Northwestern Hawaiian Islands and to monitor trends in population changes throughout the island chain. The plan also identifies management activities, to be implemented by NMFS, other Federal agencies operating in the Northwestern Hawaiian Islands, and the State of Hawaii, that will provide for the recovery of the Hawaiian monk seal.

The plan is a dynamic document. As research results indicate areas where more specific research is needed or additional management actions might enhance recovery, the plan will be amended to accommodate those tasks. The effectiveness of the plan in promoting recovery of the Hawaiian monk seal population will be monitored and periodically evaluated by the Recovery Team.

#### List of Subjects in 50 CFR Part 424

Administrative practice and procedure. Endangered and threatened wildlife.

Dated: May 26, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-14780 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-22-M

#### 50 CFR Part 611

[Docket No. 30511-84]

#### Foreign Fishing, Groundfish of the Bering Sea and Aleutian Islands Area

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule.

**SUMMARY:** NOAA issues a final rule to implement Amendment 3 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area. The amendment establishes a management system to reduce the incidental catch of salmon, Pacific halibut, king crab, and Tanner crab in the foreign trawl fishery. This action is intended to reduce the incidental catch and unnecessary mortality of these species in foreign groundfish operations while still allowing the foreign fisheries an opportunity to harvest their groundfish allocations.

**EFFECTIVE DATE:** July 4, 1983.

**ADDRESS:** Copies of the amendment, the environmental impact statement, and the regulatory impact review/final regulatory flexibility analysis may be obtained by contacting the North Pacific

Fishery Management Council, P.O. Box 103136, Anchorage, Alaska 99510, 907-274-4563.

**FOR FURTHER INFORMATION CONTACT:** Susan J. Salvesson, 907-586-7230.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP), developed by the North Pacific Fishery Management Council (Council), was implemented on January 1, 1982 (46 FR 63295, December 31, 1981). Nine amendments to the FMP have been adopted by the Council under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*; three of those amendments have been implemented (Amendments 1a, 2, and 4).

Amendment 3 to the FMP establishes prohibited species catch (PSC) limits for salmon, Pacific halibut, king crab, and Tanner crab, which are prohibited species in the foreign groundfish fisheries and are caught incidentally in those operations. The annual PSC established for the above species is apportioned to foreign nations in proportion to each nation's groundfish allocation. When U.S. observer data, or other reported statistics that are considered reliable, indicate that trawl vessels of a particular nation have caught incidentally that nation's specified portion of the PSC for one of the above species, those vessels will be subject to a significant time-area closure in order to reduce or eliminate further taking of these species in the Bering Sea and Aleutian Islands area.

The preamble to the proposed rule (48 FR 10383, March 11, 1983) thoroughly discussed the need and justification of Amendment 3; it also discussed the procedure for apportionment of PSCs to foreign nations, considerations for adjustments of PSCs, exemptions to PSC regulations, and additional incentives to reduce the catch of prohibited species in foreign groundfish fisheries. Public comments on the proposed rule were invited until April 22, 1983. Public comments received have been considered and are responded to below. After considering the comments, the Director of the National Marine Fisheries Service, Alaska Region (Regional Director), has decided to give final approval to Amendment 3 and to implement it with a final rule.

The final rule incorporates the following changes to the proposed regulations. First, the word "will" is changed to "may" in paragraph (e)(2)(ii) in order to respond to Comment 2,

below. Second, in paragraph (e)(2)(ii), the term "fishing elements" is replaced by "a selected portion of that nation's fishing fleet", and notification procedures for the imposition of time-area restrictions on trawl vessels of a nation which has caught its current specified portion of a PSC limit are clarified.

##### Public Comments

1. *Comment:* The procedure used to apportion the salmon PSC among nations does not provide for the distribution of salmon PSC amounts withheld in relation to reserves which are never allocated to the total allowable level of foreign fishing (TALFF). This is an oversight which should be corrected.

*Response:* The procedure set forth in Amendment 3 to determine each nation's portion of the Salmon PSC does not withhold PSC amounts in relation to groundfish reserves which are allocated to domestic annual harvest. Initial salmon PSC amounts are apportioned to foreign nations using the equation set forth in paragraph (c)(2)(iii)(D)(1)(ii) of the regulations. Subsequent salmon PSC apportionments to nations which accompany inseason groundfish allocations resulting from the allocation of initial unallocated TALFF or reserves will be determined by multiplying the current balance of the total salmon PSC by the ratio of a nation's additional groundfish allocation to the remainder of the initial unallocated TALFF plus the amount of the reserve apportioned to TALFF plus the current reserve balance. Using this procedure and assuming the reserve amount will equal zero at the end of the year, all of the salmon PSC will be apportioned to TALFF.

2. *Comment:* The word "will" should be changed to "may" in § 611.93(e)(2)(ii) of the regulations to clarify that the established PSC limits will apply in the absence of a Secretarial field order modifying such limits, and that such a field order is not required unless the established PSC limits are to be modified.

*Response:* The suggested change in § 611.93(e)(2)(ii) has been made.

3. *Comment:* The statement in the notice of proposed rulemaking that "The annual inseason supplemental allocations to a nation will be intended as a reward to that nation for its compliance with PSC regulations . . ." is inconsistent with the allocation standards of the Magnuson Act (16 U.S.C. 1801 *et seq.*) and, without additional qualification, is an inaccurate statement of both U.S. fisheries policy and the intent of the U.S. government.

*Response:* A nation's compliance with PSC regulations is only one of the many factors that are considered by NOAA and the U.S. State Department when making inseason groundfish allocations to foreign nations. Section 201(e)(1)(E) of the Magnuson Act lists the factors that are to be considered when making such allocations to foreign nations. These factors include the extent to which foreign nations have (1) cooperated with the U.S. in the enforcement of U.S. fishing regulations; (2) contributed to or fostered the growth of a sound and economic U.S. fishing industry; (3) transferred harvesting technology which will benefit the U.S. fishing industry; (4) made substantial contributions to fishery research; and (5) any such other matters deemed appropriate. Foreign compliance with PSC regulations and development of harvesting technologies necessary for that compliance are relevant when these factors are considered in the allocation process.

#### Classification

The Regional Director has determined that the FMP Amendment 3 and this rule are necessary for the conservation and management of the Bering Sea and Aleutian Islands area groundfish fishery and that both are consistent with the Magnuson Act and other applicable law.

The Council prepared a final environmental impact statement for this FMP and filed it with the Environmental Protection Agency on November 20, 1981; it addresses Amendment 3 and is available from the Council at the address set forth above.

The NOAA Administrator determined that this final rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291, because it will not result (1) in an annual effect on the economy of \$100 million or more; (2) in a major increase in costs or prices to consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises on domestic or export markets. This rule will have a significant beneficial economic impact on a substantial number of small entities.

These determinations are based on the regulatory impact review/final regulatory flexibility analysis (RIR/FRFA) available at the address above. The analysis in the RIR/FRFA is the same as that contained in the RIR/initial regulatory flexibility analysis, which was summarized in the preamble to the proposed rule at (48 FR 10383).

This rule does not contain a collection of information for purposes of the Paperwork Reduction Act.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. The State Division of Policy Development and Planning has concurred in this determination.

#### List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting requirements.

Dated: May 27, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

For reasons set out in the preamble, 50 CFR Part 611 is amended as follows:

#### PART 611—FOREIGN FISHING

1. The authority citation for Part 611 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*, unless otherwise noted.

2. In § 611.93, paragraph(c)(2)(ii)(D) is revised and paragraph (e) is added to read as follows:

#### § 611.93 Bering Sea and Aleutian Islands groundfish fishery.

• • • • •

(c) • • •

(2) • • •

(ii) • • •

(D) Prohibited species catch (PSC) limits.

(1) *Salmon.* (i) During any fishing year, that portion of fishing area I lying between 55° N. and 57° N. latitude and 165° W. and 170° W. longitude and all of fishing area II may be closed for the remainder of the periods January 1 through March 31 and October 1 through December 31 to trawl vessels of any nation. This closure will occur when vessels of a nation have intercepted an amount of salmon which exceeds by 10 percent that nation's portion of the salmon prohibited species catch (PSC) established for the current fishing year (Table 2), or when vessels of that nation have intercepted an amount of salmon in any consecutive three-year period which exceeds the sum of that nation's portion of the salmon PSC established for those three years. Any salmon caught incidentally by vessels of that nation in the area which remains open will be applied against its portion of the following year's salmon PSC. Fishing areas I and II are shown in § 611.9, Appendix II, Figure 2.

TABLE 2.—TARGET REDUCTION SCHEDULE OF SALMON PROHIBITED SPECIES CATCHES BASED ON THE AVERAGE 1977-80 FOREIGN TRAWL SALMON INCIDENTAL CATCH

Year	Total salmon <sup>1</sup>
Base numbers:	
1977-80	80,000
Reduced catch levels:	
(1981)	69,893
(1982)	59,409
(1983)	48,925
(1984)	(*)
(1985)	(*)
(1986)	17,473

<sup>1</sup> Total salmon numbers are calculated on the assumption that 93% of incidentally-caught salmon are chinook.

\* Reserved.

(ii) A nation's initial portion of the salmon PSC for a fishing year will be determined by multiplying the total salmon PSC for that year by the ratio of that nation's initial groundfish allocation to the total initial TALFF plus reserves for groundfish:

Nation's initial salmon PSC equals total salmon PSC multiplied by nation's initial groundfish allocation divided by total initial groundfish TALFF and reserve.

At the beginning of the fishing year, a portion of the salmon PSC will not be distributed to nations, because groundfish reserves will not yet be apportioned and some of the initial TALFF may not yet be allocated. This remaining portion of the salmon PSC will be subsequently distributed to nations in proportion to increases in their groundfish allocations which result from the apportionment of the initial unallocated TALFF and groundfish reserves.

(2) *Pacific halibut, king crab, and Tanner crab.* (i) When during any fishing year the trawl vessels of a nation have taken incidentally that nation's current portion of the PSC for Pacific halibut, king crab, or Tanner crab, the entire management area will be closed to trawling by vessels of that nation for the remainder of that fishing year or until that nation's groundfish allocation will result in a corresponding increase in its current portion of PSC for Pacific halibut, king crab, and Tanner crab.

(ii) For any year (year i), the PSC<sub>ij</sub> for each of these species (species j) are based upon the incidental catch rates (R<sub>ij</sub>) shown in Table 3:

PSC<sub>ij</sub> equals R<sub>ij</sub> multiplied by the total groundfish TALFF. Using this formula, the PSC for Pacific halibut, king crab, and Tanner crab will increase in proportion to increases in the total TALFF which result from the apportionment of groundfish reserves or surplus DAH to TALFF under paragraph (b)(2) of this section.

(iii) A nation's current portion of the PSC<sub>ij</sub> for Pacific halibut, king crab, and Tanner crab, at any time during the fishing year, is determined by multiplying that nation's current groundfish allocation by R<sub>ij</sub>:

Nation's PSC<sub>ij</sub> equals R<sub>ij</sub> multiplied by a nation's groundfish allocation.

TABLE 3.—INCIDENTAL CATCH RATE REDUCTIONS FOR PACIFIC HALIBUT, KING CRAB, AND TANNER CRAB, BASED ON THE AVERAGE 1977-80 FOREIGN TRAWL GROUNDFISH AND PROHIBITED SPECIES CATCHES

Year	Halibut <sup>1</sup>	King Crab <sup>2</sup>	Tanner Crab <sup>3</sup>
<b>Base Catch Rates</b>			
1977-80	3,182	916,804	16,003,329
Average	<sup>4</sup> 1,301,250	<sup>4</sup> 1,301,250	<sup>4</sup> 1,301,250
Base	R=0.00245	R=0.70456	R=12.29843
<b>Rate Reduction Schedule, R and R as percentage of base R (percent)</b>			
(1981)	R=0.00220		
(1982)	90%	R=0.66933	R=11.6840
		95%	95%
(1983)	R=0.01196	R=0.63410	R=11.0686
	80%	90%	90%
(1984)	R=0.01171	R=0.59887	R=10.4537
	70%	85%	85%
(1985)	R=0.01147	R=0.56365	R=9.8387
	60%	80%	80%
(1986)	R=0.01122	R=0.52842	R=9.2238
	50%	75%	75%

<sup>1</sup> Metric tons per metric ton of groundfish.

<sup>2</sup> Number of individuals per metric ton of groundfish.

<sup>3</sup> Base R=0.00245.

<sup>4</sup> Base R=0.70456.

<sup>5</sup> Base R=12.29843.

\*\*\*\*\*

(e) *Inseason management decisions.*—

(1) *Field orders.*—(i) Any field order issued by the Secretary under this section will include the following:

(A) The Secretary's findings required by paragraph (e)(2) of this section;

(B) A description and order of the modification of time and area limitations, based upon the Secretary's findings; and

(C) The effective dates of the modification.

(ii) No field order issued under this section may take effect until:

(A) It has been filed for publication with the **Federal Register**;

(B) The foreign nations concerned and the designated representatives for affected foreign fishing vessels are notified. If practicable, notification shall be given at least 48 hours before the field order is to be effective; and

(C) The public has been offered the opportunity to comment upon the Secretary's proposed findings and order of modification for a period of at least thirty (30) days, unless the Secretary finds that such prior opportunity for public comment would adversely affect the conservation and management of groundfish or unallocated species.

(iii) If the Secretary finds that prior opportunity for public comment on the proposed findings and order of modification would adversely affect the conservation and management of groundfish or unallocated species, he will receive public comments on the field order for thirty (30) days after its effective date, making available to the public during business hours the aggregate data on which it was based. After considering the comments received, the Secretary will determine whether the field order should be changed.

(iv) Any modification prescribed by a field order issued under this section will remain in effect in accordance with the terms of the field order, or of any subsequent field order which may be issued under this section.

(2) *Prohibited species catch (PSC) limits.*—(i) The PSCs or incidental catch rates for salmon, Pacific halibut, king crab, and Tanner crab established in paragraph (c)(2)(ii)(D) of this section will be reviewed annually by the Secretary, in consultation with the North Pacific Fishery Management Council, in order to respond to changes in relevant circumstances, including the following:

(A) Changes in the stock condition and abundance of prohibited species;

(B) Changes in the stock condition and abundance of target groundfish species, except that such changes will not be considered relevant to the salmon PSC except in the course of a full and complete review of the salmon PSC reduction program to be conducted during 1983;

(C) Changes in the degree of socioeconomic impact of prohibited species catches on the domestic fisheries dependent on those species; and

(D) Changes in the impact of PSCs on the opportunity of foreign fisheries to take their groundfish allocations.

(ii) Based upon the most recent scientific and technical information available, and prior to the beginning of the fishing year, the Secretary may issue a field order under paragraph (e)(1) of this section to adjust the PSC's or

incidental catch rates from salmon, Pacific halibut, king crab, and Tanner crab after consultation with the North Pacific Fishery Management Council under paragraph (e)(2)(i) of this section and after he has considered all of the following in descending order of priority and issued relevant findings:

(A) The need to protect prohibited species for biological and other conservation reasons;

(B) The impact of PSC regulations on the domestic fisheries dependent on prohibited species;

(C) The impact of the PSC regulations on development and operation of domestic groundfish fisheries; and

(D) The impact of PSC regulations on the foreign groundfish fisheries.

(iii) The Regional Director will notify a nation when its portion of the PSC for salmon, Pacific halibut, king crab, or Tanner crab, as established under paragraph (c)(2)(iii)(D) of this section, is approached, so that voluntary efforts by vessels of that nation may reduce the incidental catch of these species. When a nation's portion of the PSC for salmon, Pacific halibut, king crab, or Tanner crab, is reached, the Regional Director shall notify the foreign nation and the designated representatives for affected foreign fishing vessels of the resulting time-area restriction under paragraph (c)(2)(iii)(D) of this section. If practicable, such notification will be given at least 48 hours prior to the restriction. After a nation has caught its portion of the PSC for Pacific halibut, king crab or Tanner crab, the Regional Director may by field order allow a selected portion of that nation's fishing fleet to continue fishing under specified conditions until that nation's groundfish allocation is reached, although any additional incidental catch of prohibited species by vessels which have been allowed to continue fishing will be considered when establishing future PSC limits for that nation. The Regional Director will take into account the following considerations when making such allowance and will issue relevant findings.

(A) The risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized prohibited species users posed by continued trawling by the selected elements;

(B) The extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year;

(C) The confidence of the Regional Director in the accuracy of the estimates of prohibited species catch by the selected elements up to that point in the fishing year;

(D) Whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions, and to alert the Regional Director to increases in the elements' prohibited species catch; and

(E) The enforcement record of owners and operators of vessels included in the selected elements, and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources.

[FR Doc. 83-14771 Filed 5-27-83; 4:35 pm]

BILLING CODE 3510-22-M

# Proposed Rules

Federal Register

Vol. 48, No. 107

Thursday, June 2, 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 51

#### United States Standards for Grades of American (Eastern Type) Bunch Grapes

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** The Agricultural Marketing Service (AMS) proposes to amend the voluntary United States Standards for Grades of American (Eastern Type) Bunch Grapes. Industry has requested that the standards be amended to bring them in line with current marketing practices. This proposal would provide more reasonable tolerance limitations for small consumer-size containers; make minor changes in bunch requirements for U.S. No. 1 Table Grapes; and, delete reference to specific varieties with respect to applicable size requirements.

AMS has the responsibility, in cooperation with industry, to maintain the currency of its grade standards.

**DATE:** Comments must be received on or before August 1, 1983.

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

**FOR FURTHER INFORMATION CONTACT:** Michael V. Morrelli, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-2011.

**SUPPLEMENTARY INFORMATION:** This rule has been reviewed under USDA

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

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

The voluntary United States Standards for Grades of American (Eastern Type) Bunch Grapes became effective in 1926 and were last revised in 1965.

Venture Vineyards, Inc., Lodi, New York, a large-volume marketer of table grapes for approximately 75 growers, has requested that the standards be amended to bring them in line with current cultural and marketing practices. Since the last revision of the standards there has been a major change in packaging. In past years consumers purchased these grapes in 8-quart and larger size packages for making products such as juice, wine or preserves. Most eastern type grapes shipped to fresh market are now utilized as table grapes. Consequently they are packaged in 1- or 2-quart containers, a more convenient size for the typical family. The current tolerance limitations on individual containers are overly restrictive when applied to small consumer units. This amendment would bring the standards in line with current cultural and marketing practices and make them more useful to the grape industry.

Proposed changes are as follows:  
(1) The current container tolerance limitations of 1½ times for a lot tolerance of 10 percent of more and 2 times for a lot tolerance of less than 10 percent would be increased to 3 times the specified lot tolerance for grapes packed in containers of 5 pounds or less. This would provide more reasonable

container limitations for small consumer-size units. Inasmuch as this change would apply only to individual container tolerances and would not affect lot tolerances, the quality level for the lot as a whole would be maintained as under the current standards.

(2) The U.S. No. 1 Table Grapes grade currently requires at least 85 percent of the bunches in each container to be fairly compact. Under this proposal containers of 5 pounds or less would be permitted to have 50 percent of the bunches in any container fairly compact, provided that the average for the lot is not less than 85 percent. Bunches could not be excessively small, except that the portions of bunches consisting of not less than three berries could be used to fill open spaces between whole bunches. This would provide more realistic bunch requirements for individual small consumer-size packages.

(3) Delete from the "Size of berries" sections of the U.S. Fancy and the U.S. No. 1 Table Grapes grades the reference to specific varieties and add "unless otherwise specified." The present standards require that the specified varieties and other varieties of similar size must have a minimum berry size of not less than ⅜ of an inch in diameter. This change would allow a minimum berry size, other than that presently required, to be specified in connection with the trade for any variety.

#### List of Subjects in 7 CFR Part 51

Fresh fruits, vegetables and other products (inspection, certification and standards).

#### PART 51—[AMENDED]

Accordingly, it is proposed that 7 CFR Part 51 be amended as follows:

1. In § 51.3610, paragraph (b) is revised to read:

#### § 51.3610. U.S. Fancy Table Grapes.

(b) *Size of berries.* Not less than 90 percent, by count, of the berries, exclusive of dried berries, on each bunch shall have a minimum diameter, unless otherwise specified, of ⅜ of an inch.

2. In § 51.3611, paragraphs (a) and (b) are revised to read:

#### § 51.3611 U.S. No. 1 Table Grapes.

(a) *Bunches*. At least 85 percent of the bunches in each container are fairly compact; except that for packages which contain 5 pounds or less, at least 50 percent of the bunches in any container are fairly compact, provided that the average for the lot is not less than 85 percent. Bunches shall not be excessively small, except that portions of bunches consisting of not less than three berries may be used to fill open spaces between whole bunches.

(b) *Size of berries*. Not less than 90 percent, by count, of the berries, exclusive of dried berries, on each bunch shall have a minimum diameter, unless otherwise specified, of  $\frac{1}{16}$  of an inch.

3. Section 51.3614 is amended by revising the introductory text, paragraph (a) and adding paragraph (b) to read:

**§ 51.3614 Application of tolerances.**

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided that the averages for the entire lot are within the tolerances specified for the grade:

(a) Individual packages which contain more than 5 pounds: Shall contain not more than one and one-half times a specified tolerance of 10 percent or more and not more than double a specified tolerance of less than 10 percent.

(b) Individual packages which contain 5 pounds or less: Shall contain not more than three times the specified tolerance.

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

Done at Washington, D.C. on May 26, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-14715 Filed 6-1-83; 8:45 am]

BILLING CODE 3410-02-M

**7 CFR Part 1207**

**Potato Research and Promotion Plan; Proposed Expenses and Rate of Assessment**

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rulemaking.

**SUMMARY:** This notice invites written comments on proposed expenses for the functioning of the National Potato Promotion Board. It would enable the Board to collect assessments from designated handlers on assessable potatoes and to use the resulting funds for its expenses.

**DATE:** Comments due by June 16, 1983.

**ADDRESSES:** Comments should be sent to: Hearing Clerk, Room 1077-S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

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

**SUPPLEMENTARY INFORMATION:** Information collection requirements contained in this regulation (7 CFR Part 1207) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581-0093.

This proposed 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 would not measurably affect costs for the directly regulated handlers.

The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR Part 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

**List of Subjects in 7 CFR Part 1207**

Administrative practice and procedure, Advertising, Agricultural research, Potatoes.

**PART 1207—POTATO RESEARCH AND PROMOTION PLAN**

It is proposed that § 1207.411 (47 FR 32914, July 30, 1982) be removed and § 1207.412 be added as follows:

**§ 1207.412 Expenses and rate of assessment.**

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1983, and ending June 30, 1984, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to \$2,565,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent (\$0.01) per hundredweight of assessable potatoes handled by such person during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Approved by OMB under control number 0581-0093)

(Title III of Pub. L. 91-670; 84 Stat. 20401; 7 U.S.C. 2611-2627)

Dated: May 26, 1983.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 83-14639 Filed 6-1-83; 8:45 am]

BILLING CODE 3410-02-M

**FEDERAL TRADE COMMISSION**

**16 CFR Part 13**

[Docket 9145]

**General Motors Corp.; Proposed Consent Agreement With Analysis To Aid Public Comment**

*Correction*

In FR Doc. 83-11159 beginning on page 20731 in the issue of Monday, May 9, 1983 make the following corrections:

1. On page 20733, column one, paragraph designated as "(iii)", line two, "charger" should read "charge."

2. On page 20733, column one, paragraph designated as "(iv)", line five, "many" should read "may."

3. On page 20733, column three, "II" should appear above paragraph three beginning "It is further ordered that."

4. On page 20734, column one, paragraph designated as "B", "1986" should read "1984."

5. On page 20744, column two, paragraph two, line one, "on" should read "of."

6. On page 20744, column three, line two, "Contract" should read "Contact."

7. On page 20746, column three, paragraph between "27)" and "29)" should be correctly designated as "28)."

8. On page 20747, column one, under DON'TS, paragraph designated as "3)", "on" should read "or."

9. On page 20747, column one, *SPECIAL GENERAL MOTORS PROVISIONS*, paragraph designated as "1. Gasoline and diesel engines." line five, "balance" should read "balancers."

10. On page 20747, column one, *SPECIAL GENERAL MOTORS PROVISIONS*, paragraph designated as "1. Gasoline and diesel engines." line nine, "housing" should read "housings."

11. On page 20747, column two, **BACKGROUND STATEMENT**, paragraph designated as "2. Transmissions.", lines one through thirty-nine and column three, lines one

through twenty-three should be removed.

12. On page 20749, column two, (five stars) \* \* \* \* \* should appear beneath line thirteen.

13. On page 20749, column two, paragraph designated as "8." should be correctly designated with a bullet (\*).

14. On page 20757, column three, *Indexes and Explanatory Information*, line sixteen, "change" should read "charge."

15. On page 20759, column three, paragraph two, line thirteen, "or" should read "on."

BILLING CODE 1505-01-M

## SECURITIES AND EXCHANGE COMMISSION

### 17 CFR Part 240

[Release No. 34-19811, File No. S7-975]

### Exemption for Certain Foreign Government Securities for Purposes of Futures Trading

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

**SUMMARY:** The Commission is proposing for comment a rule which would designate certain British and Canadian government securities as "exempted securities" under the Securities Exchange Act of 1934 (the "Exchange Act") for purposes only of the Exchange Act's application to the marketing in this country of futures contracts on those securities. The proposed rule would have the effect of removing the designated securities from the class of securities on which futures trading is forbidden by the Commodity Exchange Act ("CEA"). Trading the underlying securities, absent compliance with applicable registration and other requirements, would remain prohibited under the federal securities laws.

**DATE:** Comments should be submitted by July 5, 1983.

**ADDRESSES:** Interested persons should submit three copies of their written data, views and arguments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and should refer to File No. S7-975. All submissions will be available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Kevin Fogarty, Esq., Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2416.

## SUPPLEMENTARY INFORMATION:

### I. Introduction

Under recently enacted amendments to the CEA,<sup>1</sup> the trading of futures contracts on individual securities is prohibited, unless such securities qualify as "exempted securities" under Section 3 of the Securities Act of 1933 ("Securities Act") or 3(a)(12) of the Exchange Act. Since the legislative history of the new amendments indicates that Congress did not intend to forbid the marketing of futures on British government bonds (so-called "gilt-edged" bonds or "gilts")<sup>2</sup> in this country so long as the futures contracts are not settled here and the bonds themselves are not traded here, the Commission is proposing Rule 3a12-8 under the Exchange Act, which would designate such bonds, as well as certain Canadian government securities, as "exempted" securities under Section 3(a)(12) for the purpose of permitting futures trading in this country.

#### A. The Futures Trading Act of 1982

The Futures Trading Act of 1982 ("Futures Trading Act"), signed by the President on January 11, 1983, contains amendments to the CEA including a new Section 2(a)(1)(B)(v) that provides that

\* \* \* [n]o person shall offer to enter into, enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under Section 3 of the Securities Act of 1933 or Section 3(a)(12) of the Securities Exchange Act of 1934. \* \* \*

The apparent effect of this language would be to prohibit both the offer and the acceptance in this country of any future on any individual security, including the British gilt and Canadian government securities, unless the security qualifies as an "exempted security" under Section 3 of the Securities Act or 3(a)(12) of the Exchange Act. Foreign government bonds generally are not exempted securities under either of these sections. Section 3(a)(12) also provides, however, that the term "exempted security" includes

\* \* \* such other securities \* \* \* as the Commission may, by such rules and

<sup>1</sup> The Futures Trading Act of 1982, Pub. L. 97-444.

<sup>2</sup> "Gilt-edged" generally refers to a variety of obligations of the British government, British local authorities, British nationalized industries, and Commonwealth central governments and corporations. The references in the legislative history, however, were specifically to the long-term British government bonds on which futures currently trade. While the references hereinafter to "gilts" include only obligations of the British government, the proposed rule includes no limitation as to the term of the debt instrument.

regulations as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an "exempted security" or to "exempted securities."

Therefore, the Commission may exclude gilt or Canadian bond futures from the proscription in the CEA's new Section 2(a)(1)(B)(v) by declaring, subject to whatever limitations appropriate, that the underlying bond is "exempt from the operation of any one or more provisions of [the Exchange Act] which by their terms do not apply to an 'exempted security' or to 'exempted securities.'"

#### B. Legislative History of Section 2(a)(1)(B)(v)

The effect of the CEA's new language on foreign government security futures traded on foreign boards of trade was specifically addressed when Congress was considering the Futures Trading Act. Representatives Timothy Wirth and Tom Daschle, both members of House committees which had deliberated on the bill, discussed the question on the House floor, in the context of gilt futures. Mr. Daschle raised the problem, noting his understanding that neither the Securities and Exchange Commission ("SEC") nor the Commodity Futures Trading Commission ("CFTC"), which had jointly proposed the provision in question as part of the SEC/CFTC Jurisdictional Accord, had intended to bar gilt futures trading. Mr. Wirth agreed that the provision had not been intended to bar gilt futures trading, but pointed out that a clarifying amendment would be unnecessary in view of the SEC's intention to take administrative action to allow the sale of these futures contracts in this country.<sup>3</sup> The Commission is proposing this action today consistent with this Congressional intent. While futures on Canadian government bonds and bills were not specifically addressed in the legislative history, there does not appear to be any legal or policy basis for treating them differently from the gilt futures contracts.

### II. Discussion

The Commission's present opinion is that the proposed rule would be

<sup>3</sup> Congressional Record, H. 7492 (daily ed., September 23, 1982). See also letter of Chairman John S. R. Shad to Senator David L. Boren, attaching memorandum of June 2, 1982 from SEC General Counsel to Chairman Shad; letter of Chairman Phillip McB. Johnson to Senator Boren (June 3, 1982). The CEA section 2(a)(1)(B)(v) was to be designated section 2(a)(1)(B)(iv) at the time these letters were written.

desirable both to remove any question regarding the applicability of the Exchange Act to futures on the subject foreign securities and to avert the unnecessary application of the statutory ban contained in the CEA to trading futures in these securities.

The Commission does not believe generally that its regulatory responsibilities in administering the federal securities laws would be undermined by the sale in the United States of futures contracts based on the foreign debt instruments in question. Congress has delegated to the CFTC the role of establishing the proper regulation required for futures contracts sold in this country, including foreign futures contracts. Accordingly, the Commission proposes to implement the Congressional intent to exempt gilt futures from the prohibition in Section 2(a)(1)(B)(v) of the CEA. At the same time, the Commission does not believe the basic treatment of foreign debt securities under the federal securities laws should be altered simply because a foreign board of trade intends to trade futures on those securities. Given the turbulence characterizing the current international financial markets, particularly the debt structure of many foreign governments, any lessening of the disclosure and other protections afforded by the federal securities laws with respect to such instruments would appear to be inappropriate.

To accommodate these competing interests, the proposed rule would treat British gilts and Canadian government securities as exempted securities only for the purpose of futures trading on those securities, and subject to certain limitations designed to ensure that futures trading not serve as a way of effectively marketing the underlying securities themselves in the United States.

#### A. Proposed Limitations

**1. Application to Unregistered Securities.** The rule would define as exempted securities only underlying securities that are not registered in the United States. The prohibition in Section 2(a)(1)(B)(v) was added to the CEA to ensure that trading in futures on individual non-exempt securities did not disrupt the underlying regulated markets for those securities. There appears to be no basis for not applying this prohibition to all securities registered under the Securities Act, including securities issued by foreign governments.<sup>4</sup>

<sup>4</sup>While the securities deliverable under the currently traded LIFFE and TSE contracts do not appear to be registered or distributed in the United States, various debt offerings of the British and

**2. Application to Futures Contracts with No More than One Delivery Month Per Quarter.** As noted above, the Commission does not believe the regulation of foreign government debt securities should change because a foreign board of trade seeks to trade futures on those securities. However, because a futures contract on a foreign government security is a contract to buy or sell that security for future delivery, the Commission believes it is important to ensure that futures trading not serve as a vehicle for effectively marketing the underlying instrument in this country without registration. This arguably could occur if futures contracts generally were made available calling for very near-term deliveries. To address this problem, the Commission has proposed to limit the exemption to foreign futures contracts that do not have more than one delivery month per calendar quarter. This would not result in any restrictions on either the British or Canadian government security futures contracts currently traded, since the Commission understands that these contracts currently provide for the introduction of new delivery months every three months. It would, however, prevent a foreign board of trade from introducing futures on foreign government securities with so close a succession of delivery periods as to provide almost continuous cash market equivalency.<sup>5</sup>

#### B. Additional Issues

The two limitations discussed above are designed to ensure that the scheme of regulation under the federal securities laws is not disrupted by the proposed exemption. The Commission also seeks comment on whether additional measures are necessary or appropriate in connection with the proposed rule.

**1. Disclosure Requirements.** The fact that a foreign government issue is not registered in the United States may

Canadian governments are indeed registered and traded here. The proposed rule leaves it to persons marketing the future—or to the exchange trading it—to make sure that no U.S.-registered instrument, nor any instrument covered by U.S.-registered American depository receipts, is deliverable under the futures contract. Moreover, upon the understanding that the LIFFE's current gilt contracts include no U.S.-registered bonds as deliverable issues, both the SEC and CFTC staffs have taken the position that, while the Commission is in the process of promulgating the exemption, the terms of Section 2(a)(1)(B)(v) should not be enforced against offer or acceptance of gilt futures orders in the United States, conduct Congress expected to be exempted from the CEA.

<sup>5</sup>Section 4(b) of the amended CEA, it should be noted, expressly forbids the CFTC to regulate the terms of foreign futures contracts, although the legislative history speaks of the CFTC "certifying" futures based on foreign securities. H.R. Rep. No. 97-565, Part 1, 97th Cong., 2d Sess. (1982) 85.

result in the dissemination of substantially less information to the public regarding that security and related futures contracts that is the case for registered securities and derivative products. The Commission invites discussion on whether further safeguards may be advisable to address the risk that the futures contract could be used simply as an expedient to evade the disclosure requirements that would apply to direct trading of the underlying security in the cash market. Accordingly, the Commission solicits comments on whether it should condition its exemption on disclosure of certain information concerning the securities underlying foreign futures contracts and the governments issuing those securities.<sup>6</sup>

The CFTC is authorized under the Futures Trading Act of 1982 to adopt rules proscribing fraud and requiring risk disclosure, among other things, in the trading of foreign futures.<sup>7</sup> The Commission notes that the CFTC has not adopted rules specifically addressed to the trading of futures on foreign government securities. Thus, the Commission also seeks comment on whether its proposed rulemaking should await rulemaking initiatives in this area by the CFTC on be undertaken only in coordination with CFTC efforts.

#### 2. Eligible Foreign Government Issues.

A final question on which the Commission solicits public comment concerns whether to establish limitations on the governments included in the proposed rule. The proposed rule would permit trading solely in futures contracts based on British and Canadian government securities, since the Commission is not aware of other foreign government securities which are currently the subject of futures trading. Should the securities of additional governments become subjects of futures contracts, it may become necessary to

<sup>6</sup>For example, the Commission might consider a limitation of for the exemption to issuers currently filing a Form 18K in connection with an issue of securities not the subject of a futures contract. The United Kingdom, but not Canada, currently files and 18K.

<sup>7</sup>Section 204 of the Futures Trading Act refers only to regulation of foreign futures trading "by any person located in the United States . . ." Regulation of such trading by persons located outside the United States is not specifically addressed in the CEA itself but is in 17 CFR 30.02, and antifraud rule. The CEA's new Section 12 also allows the CFTC to permit the application of other federal and state statutes to foreign futures. See S. Rep. No. 97-384, 97th Cong. 2d Sess. (1982) at 45-46. There is no indication in the legislative history, however, that the CFTC's regulatory authority was intended in any way to restrict the Commission's authority, under Section 3(e)(12) of the Exchange Act, to impose such terms or conditions on the exemption of a security as it deems necessary or appropriate.

consider amending the rule to include those governments. In this regard, the Commission seeks comment on whether it should elaborate standards for inclusion of such governments before adopting any rule. Standards might be adopted, for example, related to the credit-worthiness of the issuing government or, as suggested above, the extent of material information currently available in the United States concerning that government. The Commission also requests comment on the alternative of limiting the exemption on a pilot basis to the securities of only one foreign government until some practical experience with the effect of the exemption has been acquired. As noted above, however, the Commission has not identified any regulatory basis to distinguish between futures traded on British or Canadian government securities. Therefore, any commentators supporting such an amendment should articulate the regulatory or policy basis upon which such a distinction could rest.

Finally, the Commission notes that the two types of futures contracts that would be eligible for trading in the United States by virtue of proposed exemption are both traded on futures exchanges in the country whose government issues the underlying security. Accordingly, both countries would have a strong interest in ensuring the integrity of the futures market. If a futures market in a third country introduced trading on such securities, this interest might not be present. The Commission therefore solicits comment on whether it should limit the proposed rule to foreign futures contracts traded solely on a board of trade located in the country whose government issues the underlying security.

### III. Regulatory Flexibility Act Consideration

The Regulatory Flexibility Act, which became effective on January 1, 1981, imposes new procedural steps applicable to agency rulemaking which has a significant economic impact on a substantial number of small entities.\*

\* Although Section 601(6) of the Regulatory Flexibility Act, 5 U.S.C. 601(6), defines the term "small entity," the statute permits agencies to formulate their own definitions. The Commission has adopted definitions of the term small entity for purposes of Commission rulemaking in accordance with the Regulatory Flexibility Act. Those definitions, as relevant to this proposed rulemaking, are set forth in Rule 0-10, 17 CFR 240.0-10. See Securities Exchange Act Release No. 18452 (January 28, 1982). A broker or dealer under Rule 0-10 generally is a "small business" or "small organization" if it had total capital of less than \$500,000 on the date in the prior fiscal year as of which its audited financial statements were prepared pursuant to 17 CFR 240.17a-5(d), or, if not

The Chairman of the Commission has certified pursuant to the Regulatory Flexibility Act that proposed Rule 3a12-8, if adopted, would not have a significant economic impact on a substantial number of small entities, for these reasons: First, the rule, being permissive in nature, imposes no regulatory burden in itself, and merely forestalls a prohibition which would otherwise come into being under the Futures Trading Act of 1982. It therefore imposes no new requirements upon nor eliminates former protections for any entity. Second, because the level of interest presently evident in this country in the futures trading covered by the proposed rule is modest, neither the availability nor unavailability of these futures products is likely to have a significant economic impact on a substantial number of small entities.

### Statutory Basis

Proposed Rule 3a12-8 would be adopted under the Act, 15 U.S.C. 78a *et seq.*, particularly Sections 3(a)(12) and 23(a), 15 U.S.C. 78c(a)(12) and 78w(a).

### List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

### IV. Text of the Proposed Amendment

On this basis of the above discussion and analysis, the Commission is proposing to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding Section 240.3a12-8 as follows:

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

##### § 240.3a12-8 Exemption for designated foreign government securities for purposes of futures trading.

(a) When used in this Rule, the following terms shall have the meaning indicated:

(1) The term "foreign futures contracts" shall mean any contracts for the purchase or sale of a commodity for future delivery, as "future delivery" is defined in 7 U.S.C. 2, which are traded exclusively on or through a board of trade, as defined at 7 U.S.C. 2, that is located outside the United States, its territories and possessions, provided that such board of trade neither trades

required to file such a statement, if it had total capital of less than \$500,000 on the last business day of the preceding fiscal year [or in the time it has been in business, if shorter]. See Rule 0-01(c). Boards of trade, registered futures commission merchants, and certain other futures market participants reporting to or registered with the CFTC are not, according to its interpretation, "small entities." See 17 CFR 1.3.

nor establishes on an instrument described in paragraph(a)(2) hereof any such futures contract which settles more frequently than one month per quarter.

(2) When used in this rule, the term "designated foreign government security" shall mean a security not registered under the Securities Act of 1933 nor the subject of any American depositary receipt so registered, and representing a debt obligation of the government of

(i) The United Kingdom of Great Britain and Northern Ireland; or

(ii) Canada.

(b) Any designated foreign government security shall be deemed an "exempted security" for all provisions of the Act which by their terms do not apply to an "exempted security" or "exempted securities," but only insofar as such provisions may be construed to apply to the offer or sale of foreign futures contracts for the purchase or sale of such designated foreign government securities.

(c) This rule shall not be applicable to any designated foreign government security delivered within the United States or any of its possessions or territories pursuant to a foreign futures contract, or pursuant to any other purchase, or sale or exchange, nor to any such security sold or offered for sale in contemplation of delivery within the United States or any of its possessions or territories.

### V. Solicitation of Comments

All interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written comments should submit three copies thereof to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, not later than July 5, 1983. Reference should be made to File No. S7-975. All submissions will be made available for public inspection at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C.

By the Commission.

Dated: May 25, 1983.

George A. Fitzsimmons,  
Secretary.

### Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed rule 3a12-8 to define certain foreign government securities as exempted securities under the Securities Exchange Act of 1934, for purposes of futures trading only, set forth in Securities Exchange Act Release No. 19811 will not have a significant economic impact on a substantial number of small entities, for

these reasons: first, the rule, being permissive in nature, imposes no regulatory burden in itself, and merely forestalls a prohibition which would otherwise come into being under the Futures Trading Act of 1982. It therefore imposes no new requirements upon nor eliminates former protections for any entity. Second, because the level of interest presently evident in this country in the futures trading covered by the proposed rule is modest, neither the availability or unavailability of these futures products is likely to have a significant economic impact on a substantial number of small entities as that term is defined for futures market participants at 17 CFR 1.3 and for broker-dealers in 17 CFR 240.0-10.

Dated: May 19, 1983

John S.R. Shad,  
Chairman.

[FR Doc. 83-14899 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

## 17 CFR Part 240

[Rel. No. 34-19813; File No. S7-976]

### Disclosure Regarding Recourse to the Federal Courts Notwithstanding Arbitration Clauses in Broker-Dealer Customer Agreements

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rulemaking.

**SUMMARY:** The Commission is publishing for comment a proposed rule that would require broker-dealers using pre-dispute arbitration clauses in customer agreements to disclose that investors are not precluded by such clauses from recourse to the federal courts with respect to claims arising under the federal securities laws. The purpose of the proposed rule is to ensure that investors are aware of the availability of this recourse to the federal courts.

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

**ADDRESS:** All communications on this matter should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 450 5th Street, N.W., Washington, D.C. 20549. Comments should refer to File No. S7-976 and will be available for public inspection and copying in the Commission's Public Reference Room.

**FOR FURTHER INFORMATION CONTACT:** Robert A. Love, Esq., Division of Market Regulation (202-272-2792).

**SUPPLEMENTARY INFORMATION:** The Commission today announced that it is proposing to prohibit the use in broker-dealer customer agreements of provisions purporting to bind customers to arbitration of future disputes unless accompanied by adequate disclosure

that such clauses are not enforceable with respect to claims arising under the federal securities laws. The Commission's proposal would codify its longstanding view that without such disclosure those clauses are inconsistent with the deceptive practice prohibitions of section 10(b) [15 U.S.C. 78j(b)] and section 15(c) [15 U.S.C. 78o(c)] of the Securities and Exchange Act of 1934 ("Act") [15 U.S.C. 78a *et seq.*]. This action is consistent with the Commission's continuing strong endorsement of fairly administered arbitration procedures as the most cost effective means of resolving certain disputes between broker-dealers and their customers.

### Discussion

The Commission announced on June 9, 1976<sup>1</sup> a program for the development of a model and uniform system of dispute grievance procedures for the adjudication of small claims. At that time, the Commission also announced the creation of the Commission's Office of Consumer Affairs<sup>2</sup>, which has as its principal mandate the study of the resolution of customer disputes with broker-dealers. Subsequently, that Office proposed to the Commission a comprehensive system for the resolution of such disputes, and the Commission solicited public comment.<sup>3</sup> The Commission determined to defer direct action on the system pending the promised development and implementation of an investor dispute resolution system, including a uniform arbitration code, by the securities industry's self-regulatory organizations ("SROs"), their members and members of the public.<sup>4</sup>

In April, 1977, in response to the Commission's public releases and forums on this subject, the Securities Industry Conference on Arbitration ("SICA") was organized. SICA drafted the Uniform Code of Arbitration ("Code"), which has since been adopted by all ten of its SRO members.<sup>5</sup> In

approving SRO adoption of the Code, the Commission found, among other things, that the Code was designed to promote just and equitable principles of trade.

The Commission continues to believe that this is an appropriate subject for industry self-regulation, subject to Commission oversight. Furthermore, the Commission continues to support the use of arbitration as an important means for the resolution of disputes between broker-dealers and their customers. The Code provides an economical alternative to litigation and fair and efficient procedures for the resolution of these disputes. Nevertheless, the Commission is concerned with a widespread industry practice which conflicts with legislative history, a thirty-year line of case law, and Commission releases.

Beginning with the Supreme Court's decision in *Wilko v. Swan*, 346 U.S. 427 (1953), courts have consistently held that broker-dealer agreements purporting to bind customers to arbitrate disputes arising in the future are void and unenforceable as applied to claims arising under federal securities laws. accordingly, investors entering into agreements containing such clauses with broker-dealers for the purchase or sale of securities can be deceived into believing that all their disputes with broker-dealers must be settled by arbitration.

The Commission has already discussed at length, in Securities Exchange Act Release No. 15984 (July 2, 1979) ("Release"), its views concerning these clauses. In that release, the Commission stated that use of arbitration clauses without adequate disclosure is inconsistent with just and equitable principles of trade and may raise serious questions of compliance with the anti-fraud provisions of the federal securities law.<sup>6</sup> The release was

<sup>6</sup> This reasoning by the Commission was not novel. In 1951, the Commission released an opinion by its General Counsel concerning the use of "hedge clauses" by brokers, dealers, investment advisers and others who sought thereby to avoid liability for a representation which they knew, or in the exercise of reasonable care could have discovered, to be false and misleading. The courts had repeatedly struck down such clauses. See *Investment Advisers Act Release No. 58* (April 10, 1951). The position expressed in Release No. 58 was as follows:

All the statutes administered by the Commission provide that any condition, stipulation or provision which binds any person to waive compliance with their requirements shall be void . . . . The question arises, therefore, whether the result, if not the purpose, of such a legend is to create in the mind of the investor a belief that he has given up legal rights and is foreclosed from a remedy which he might otherwise have . . . under the SEC statutes.

In my opinion, the antifraud provisions of the SEC statutes are violated by the employment of any . . .

<sup>1</sup> Securities and Exchange Act Release No. 12528 (June 9, 1976), 41 FR 23808 (June 11, 1976).

<sup>2</sup> *Id.*

<sup>3</sup> Securities and Exchange Act Release No. 12974 (November 15, 1976), 41 FR 50680 (November 18, 1976).

<sup>4</sup> Securities and Exchange Act Release No. 13470 (April 28, 1977), 42 FR 23892 (May 11, 1977).

<sup>5</sup> Those SROs (in order of adoption of the Code) are the New York Stock Exchange, Inc.; Cincinnati Stock Exchange, Inc.; American Stock Exchange, Inc.; Midwest Stock Exchange, Inc.; Municipal Securities Rulemaking Board; Chicago Board Options Exchange, Inc.; Boston Stock Exchange, Inc.; Pacific Stock Exchange, Inc.; National Association of Securities Dealers, Inc.; and Philadelphia Stock Exchange, Inc.

intended to bring to SRO and industry attention the inadequacy of arbitration clause disclosure in order that defective provisions would be promptly cured.<sup>7</sup>

The Commission has found that there continues to be widespread use of arbitration clauses inconsistent with the views expressed in the Release and relevant case law. Many broker-dealers continue to employ these clauses in their customer agreements and to impede investor recourse to the federal court system by seeking to compel arbitration of causes of action arising under the federal securities laws based upon such clauses. Therefore, the Commission has determined that it is necessary and appropriate for the protection of investors to propose this rule 15c2-2 [17 CFR 240.15c2-2] under the Act.

Paragraph (a) of the proposed rule embodies the general prohibition that broker-dealers' customer agreements may not contain clauses that purport to bind customers to the arbitration of future disputes arising under the federal securities laws.<sup>8</sup>

Paragraph (b) makes clear that the use of general arbitration clauses in customer agreements is not prohibited by the rule so long as such clauses also clearly disclose that investors are not precluded from recourse to the federal courts with respect to claims arising under the federal securities laws. In this regard, language currently appearing in some broker-dealers' customer agreement forms, such as "unless unenforceable due to state or federal law," or "to the extent consistent with state or federal law" are inadequate with respect to the concerns addressed by the Commission in this release and rule. Such language does not with sufficient clarity and specificity address the issue of recourse

provision which is likely to lead an investor to believe that he has in any way waived any right of action he may have, assuming, of course, that the mails or other jurisdictional elements are involved. I refer to Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder, Section 15(c)(1) of that Act and Rule 15c1-2 thereunder.

<sup>7</sup> The legislative history of the Securities Acts Amendments of 1975 indicates that the Congress, during an extensive review of the federal securities laws, was aware of and intended to preserve the case law developed regarding the effect of arbitration clauses. A Conference Committee Report stated: "It was the clear understanding of the Conferees that this amendment [Section 28(b) of the Securities Exchange Act of 1934] did not change existing law, as articulated in *Wilko v. Swan*, 346 U.S. 427 (1953), concerning the effect of arbitration proceeding provisions in agreements entered into by persons dealing with members and participants of self-regulatory organizations." H.R. Rep. No. 229, 94 Cong., 1st Sess. 111 (1975). See also 15B(b)(2) (D).

<sup>8</sup> The Commission notes that the proposed rule is not intended to change existing law with respect to contractual agreements for the resolution by arbitration of international, commercial disputes. See, e.g., *Scheber v. Alberto-Culver Co.*, 417 U.S. 508 (1974).

to the federal courts for claims arising under the federal securities law and, accordingly, would not satisfy paragraph (b) of the rule.

Under paragraph (c) of the proposed rule, until April 1, 1984, brokers and dealers are permitted to enter into new agreements with customers using existing supplies of preprinted forms that otherwise would violate paragraphs (a) and (b) of the rule, provided that adequate written disclosure accompany such agreements. The Commission finds that this course is appropriate for the protection of investors while at the same time avoiding any unnecessary cost to brokers or dealers in the replacement of existing supplies of customer agreements.

In addition, paragraph (d) provides that broker-dealers may cure outstanding customer agreements which do not comply with paragraphs (a) or (b) by sending to customers prior to January 15, 1984, the disclosure required by paragraph (b) the rule. The rule would not require that such agreements be reexecuted. Paragraph (d) also defines "customer" for the purposes of that paragraph.

Today's action continues the Commission's strong support for the arbitration system established by the Code for the securities industry while reinforcing Congressional determination that public investors should also have available the special protection of the federal courts for resolution of disputes arising under the federal securities laws. Existing law prohibits contractual waiver of that protection.

#### Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 605(b), the Chairman has certified that the proposed rule would not, if promulgated, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to the release.

#### List of Subjects in 17 CFR Part 240

Reporting requirements, Securities.

#### Text of Proposed Rule

In accordance with the foregoing, it is proposed to amend Part 240 of Chapter II of Title 17 of the Code of Federal Regulations by adding § 240.15c2-2 to read as follows:

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

§ 240.15c2-2 Disclosure regarding recourse to the federal courts notwithstanding arbitration clauses in broker-dealer customer agreements.

(a) It shall be a fraudulent,

manipulative or deceptive act or practice for a broker or dealer to enter into an agreement with any customer which purports to bind the customer to the arbitration of future disputes between them arising under the federal securities laws, or to have in effect such an agreement pursuant to which it effects transactions with or for a customer.

(b) Notwithstanding paragraph (a) of this section, it shall not be a fraudulent, manipulative or deceptive act or practice for a broker or dealer to have in effect an agreement with any customer pursuant to which it effects transactions with or for that customer, which provides for the arbitration of future disputes between them, or to enter into such an agreement, if that agreement discloses: "Arbitration cannot be compelled with respect to disputes arising under the federal securities laws."

(c) Notwithstanding paragraphs (a) and (b) of this section, until April 1, 1984 a broker or dealer may use existing supplies of customer agreement forms if all such agreements entered into with customers after [effective date] are accompanied by the separate written disclosure prescribed in paragraph (b) of this section.

(d) A broker or dealer shall not be in violation of paragraphs (a) or (b) of this section with respect to an agreement entered into with a customer prior to [effective date] if the customer who has entered into such agreement with the broker or dealer is sent, no later than January 15, 1984, the disclosure prescribed in paragraph (b) of this section. For purposes of this paragraph (d), the term "customer" shall be any person (other than a broker or dealer) for whom the broker or dealer after January 1, 1983 (1) carries a free credit balance, or (2) holds securities for safekeeping, or (3) has effected a securities transaction.

#### Statutory Authority

The Securities and Exchange Commission, acting pursuant to the Act, and particularly sections 2, 10, 15, 23 and 29 thereof [15 U.S.C. 78b, 78j, 78o, 78w and 78cc], hereby proposes for adoption § 240.15c2-2. The Commission finds that there will be no burden upon competition imposed by the amendments.

By the Commission,  
George A. Fitzsimmons,  
Secretary.  
May 26, 1983.

### Securities and Exchange Commission Regulatory Flexibility Act Certification

I, John S. R. Shad, Chairman of the Securities and Exchange Commission, hereby certify, pursuant to 5 U.S.C. 605(b), that the proposed rule to require broker-dealers using pre-dispute arbitration clauses in customer agreements to disclose that investors are not precluded by such clauses from recourse to the federal courts with respect to claims arising under the federal securities laws, set forth in Securities Exchange Act of 1934 Release No. 19813, if promulgated, will not have a significant economic impact on a substantial number of small entities. The reason for this certification is that the costs engendered by this rule should be minimal. Although, the rule would require a small change on the customer agreement forms of many broker-dealers, it also allows broker-dealers to continue to use existing supplies of forms for approximately nine months subsequent to the effective date of the rule, if coupled with the necessary disclosure on a separate paper. In that way, the costs of this change should be limited essentially to having printers change two or three lines on the broker-dealers next set of forms. In addition, the cost of including these few sentences of disclosure in a regularly scheduled mailing to existing customers should not significantly effect any broker-dealer.

Dated: May 26, 1983.

John S. R. Shad,  
Chairman.

[FR Doc. 83-14815 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### 18 CFR Part 271

[Docket No. RM79-76-193]

#### High-Cost Gas Produced From Tight Formations; Louisiana-10

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Energy Regulatory Commission is authorized by section 107(c)(5) of the Natural Gas Policy Act of 1978 to designate certain types of natural gas as high-cost gas where the Commission determines that the gas is produced under conditions which present extraordinary risks or costs. Under section 107(c)(5), the Commission issued a final regulation designating natural gas produced from tight formations as high-cost gas which may receive an incentive price (18 CFR 271.703). This rule established

procedures for jurisdictional agencies to submit to the Commission recommendations of areas for designation as tight formations. This Notice of Proposed Rulemaking by the Director of the Office of Pipeline and Producer Regulation contains the recommendations of the State of Louisiana Office of Conservation that the Mid Cockfield Sand, in St. Landry Parish, Louisiana, be designated as a tight formation under § 271.703(d).

**DATE:** Comments on the proposed rule are due on July 11, 1983.

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

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

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

#### **SUPPLEMENTARY INFORMATION:**

Issued: May 27, 1983.

#### **I. Background**

On March 24, 1983, the State of Louisiana Office of Conservation (Louisiana) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Mid Cockfield Sand, underlying parts of the Krotz Springs Field in St. Landry Parish, Louisiana, be designated as a tight formation. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Louisiana's recommendation that the Mid Cockfield Sand be designated a tight formation should be adopted. Louisiana's recommendation and supporting data are on file with the Commission and are available for public inspection.

#### **II. Description of Recommendation**

Louisiana recommends that the Mid Cockfield Sand, underlying parts of the Krotz Springs Field in St. Landry Parish, Louisiana, be designated as a tight formation. The recommended area includes all or parts of Township 6 South, Range 7 East, Sections 12, 13, 14, and 19 through 24; Township 7 South, Range 7 East, Sections 5 and 6; Township 6 South, Range 6 East, Sections 24, 25, 26, 35 and 36; and Township 7 South, Range 6 East, Section 1.

The Mid Cockfield Sand is a very shaly, glauconitic, calcareous

sandstone. It is in the upper part of the Claiborne Group of the Eocene Series which underlies the Jackson Group and overlies the Cook Mountain and Sparta Formations.

In a typical well log for the area, the Gulf Oil Corporation KZS SU KU No. 51 well located in Section 20, Township 6 South, Range 7 East, the Mid Cockfield Sand is defined as that vertical interval found between the electric log depths of 10,670 feet and 10,740 feet, having a thickness of 70 feet. This well is located on the eastern flank of a large domal structure and is the only well currently producing from the Mid Cockfield Sand in the recommended area.

#### **III. Discussion of Recommendation**

Louisiana claims in its submission that evidence gathered through information and testimony presented at a public hearing on February 23, 1983, convened by Louisiana on this matter demonstrates that:

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

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

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

Louisiana further asserts that existing requirements of Statewide Order No. 29-B will assure that development of the formation will not adversely affect any fresh water aquifers that are or are expected to be used as a domestic or agricultural water supply.

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

#### **IV. Public Comment Procedures**

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North

Capitol Street, N.E., Washington, D.C. 20426, on or before July 11, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-76-193 (Louisiana-10), and should give reasons, including supporting data, for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

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

#### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

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

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

#### PART 271—[AMENDED]

Section 271.703 is amended by adding paragraph (d)(179) to read as follows:

##### § 271.703 Tight formations.

(d) Designated tight formations.

(129) through (178) [Reserved].

(179) Mid Cockfield Sand in Louisiana. RM79-76 (Louisiana-10)

(i) Delineation of formation. The Mid Cockfield Sand is found in the Krotz Springs Field in St. Landry Parish, Louisiana. The area includes all or parts of Township 6 South, Range 7 East, Sections 12, 13, 14, and 19 through 24; Township 7 South, Range 7 East, Sections 5 and 6; Township 6 South, Range 6 East, Sections 24, 25, 26, 35 and 36; and Township 7 South, Range 6 East, Section 1.

(B) Depth. The depth to the top of the Mid Cockfield Sand is found at 10,670 feet and the base at 10,740 feet (log depths) on a type log located on the eastern flank of a large domal structure, the Gulf Oil Corporation KZS SU KU No. 51 well located in Section 20, Township 6 South, Range 7 East. On the top of the structure in Section 21, Township 6 South, Range 7 East, the top of the Mid Cockfield Sand is at an approximate log depth of 10,410 feet. Approximate thickness of the sand is 70 feet.

[FR Doc. 83-14745 Filed 6-1-83 8:45 am]

BILLING CODE 5717-01-M

#### 18 CFR Part 271

[Docket No. RM79-76-196]

#### High-Cost Gas Produced From Tight Formations; Texas—9 Addition V

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

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

DATE: Comments on the proposed rule are due on July 11, 1983.

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

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

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

#### SUPPLEMENTARY INFORMATION:

Issued: May 27, 1983.

#### I. Background

On April 11, 1983, the Railroad Commission of Texas (Texas) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that an additional area of the Travis Peak Formation located in Panola and Rusk Counties, Texas, be designated as a tight formation. The Commission previously adopted recommendations that portions of the Travis Peak Formation in the Sym-Jac, West (Hosston) Field (Order No. 154 Issued June 10, 1981, in Docket No. RM79-76 (Texas-9)) and the Bear Grass Area of east Texas (Order No. 180 issued October 8, 1981, in Docket No. RM79-76 (Texas-9 Addition)) be designated as tight formations. There are currently under consideration the following recommendations that additional areas of the Travis Peak Formation be designated as tight formations: all of Texas Railroad Commission Districts 5 and 6 in Docket No. RM79-76 (Texas-9 Addition II), the Melrose, South (Travis Peak) Field in Docket No. RM79-76-171 (Texas-9 Addition III) and the Martinsville (Travis Peak) Field in Docket No. RM79-76-190 (Texas-9 Addition IV). Notices of Proposed Rulemaking issued December 15, 1981, March 14, 1983, and April 28, 1983, respectively. Pursuant to § 271.703(c)(4) of the regulations, this Notice of Proposed Rulemaking is hereby issued to determine whether Texas' recommendation that an additional area of the Travis Peak be designated a tight formation should be adopted. Texas' recommendation and supporting data are on file with the Commission and are available for public inspection.

#### II. Description of Recommendation

Texas' recommended addition to the Travis Peak Formation is located in East Texas in the Pinehill, S.E. (Travis Peak) Field which straddles the Panola-Rusk County line, Texas Railroad Commission District 6. The area, which is 2 miles southeast of the town of Pinehill, Texas, contains approximately 4,000 acres and includes the following surveys: S. Alred A-12 and A-29, H. Biggs A-65, E. Blackburn A-93, I. Collier A-130, J. T. Copeland A-874, G. Fish A-281, R. Flores A-198, A. E. Handley A-303, S. Harris A-300, H. Howeth A-320 and A-389, J. W. Howeth A-381, T. Howeth A-383, W. Howeth A-380, M. Kuykendall A-383, J. Leath A-414 and A-486, C. Lindsey A-387, J. McAdams

A-422 and A-436, C. McCormick A-453, G.B. Reed A-577 and A-579, K. A. Sandlin A-734 J. Story A-801, R. Tippit A-773, B. A. Vansickle A-696 and A-798, R. White A-733, S. Willis A-718, and J. Wilson A-725.

The top of the Travis Peak Formation which dips westward at approximately 50 feet per mile is encountered at depths ranging from 6,900 to 7,000 feet, with the base occurring at 8,100 to 8,200 feet, in the recommended area.

### III. Discussion of Recommendation

Texas claims in its submission that evidence gathered through information and testimony presented at a public hearing on August 19, 1982, convened by Texas on this matter demonstrates that:

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

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

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

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

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

### IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 925 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 11, 1983. Each person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-78-196 (Texas-9 Addition V), and should give reasons including supporting data for any recommendation. Comments should include the name, title, mailing address,

and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

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

### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

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

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

**Kenneth A. Williams,**  
*Director, Office of Pipeline and Producer Regulation.*

### PART 271—[AMENDED]

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

#### § 271.703 Tight formations.

(d) *Designated tight formations.*

(36) *Travis Peak Formation in Texas.*  
*RM79-78 (Texas-9)*

(v) *Pinehill, S.E. (Travis Peak) Field.*

(A) *Delineation of formation.* The designated portion of the Travis Peak Formation is located 2 miles southeast of the town of Pinehill, in Panola and Rusk Counties in East Texas, Texas Railroad Commission District 6 and includes the following surveys: S. Alred A-12 and A-29, H. Biggs A-65, E. Blackburn A-93, I. Collier A-130, J. T. Copeland A-874, G. Fisk A-281, R. Flores A-198, A. E. Handley A-303, S. Harris A-300, H. Howeth A-320 and A-389, J. W. Howeth A-381, T. Howeth A-383, W. Howeth A-380, M. Kuykendall A-383, J. Leath A-414 and A-486, C. Lindsey A-387, J. McAdams A-422 and A-436, C. McCormick A-453, G.B. Reed A-577 and A-579, K. A. Sandlin A-734, J. Story A-801, R. Tippit A-773, B. A.

Vansickle A-696 and A-798, R. White A-733, S. Willis A-718, and J. Wilson A-725.

(B) *Depth.* The depth to the top of the Travis Peak Formation which dips westward at approximately 50 feet per mile ranges from 6,900 to 7,000 feet with the base occurring at 8,100 to 8,200 feet.

[FR Doc. 83-14744 Filed 6-1-83; 8:45 am]

BILLING CODE 8717-01-M

### 18 CFR Part 271

[Docket No. RM79-76-189]

### High-Cost Gas Produced From Tight Formations; Wyoming—16

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Notice of proposed rulemaking.

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

**DATE:** Comments on the proposed rule are due on July 11, 1983.

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

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

**FOR FURTHER INFORMATION CONTACT:** Leslie Lawner, (202) 357-8511, or Victor Zabel, (202) 357-8616.

**SUPPLEMENTARY INFORMATION:**

Issued: May 27, 1983.

### I. Background

On March 10, 1983, the State of Wyoming Oil and Gas Conservation

Commission (Wyoming) submitted to the Commission a recommendation, in accordance with § 271.703 of the Commission's regulations (45 FR 56034, August 22, 1980), that the Muddy, Lakota, Morrison, and Sundance Formations located in Natrona County, Wyoming, each be designated a tight formation. Pursuant to § 271.703(c)(4) of the regulations, the Director of the Office of Pipeline and Producer Regulation (Director, OPR) issues this Notice of Proposed Rulemaking to determine whether Wyoming's recommendation that these formations each be designated a tight formation should be adopted. The United States Department of the Interior, Bureau of Land Management concurs with Wyoming's recommendation. Wyoming's recommendation and supporting data are on file with the Commission and are available for public inspection.

## II. Description of Recommendation

The recommended formations are located in Natrona County, Wyoming, between the cities of Waltman and Powder River. The recommended area in the Bull Frog Unit, which comprises approximately 24,400 acres on the southeastern flank of the Wind River Basin adjacent to the Casper Arch. The Muddy Formation averages 75 feet in thickness and is found at an average depth of 19,800 feet within the Bull Frog Unit Area. The Lakota Formation averages 60 feet in thickness and is found at an average depth of 20,020 feet. The Morrison Formation averages 200 feet in thickness and is found at an average depth of 20,100 feet. The Sundance Formation averages 330 feet in thickness and is found at an average depth of 20,300 feet.

## III. Discussion of Recommendation

This filing is made pursuant to the alternative designation requirements found at § 271.703(c)(2)(ii) of the Commission's regulations, which provide that the Commission may approve a recommendation by a jurisdictional agency to designate as a tight formation any formation which meets the stabilized production rate guideline found in § 271.703(c)(2)(i)(B) and the crude oil production guideline in § 271.703(c)(2)(i)(C), but does not meet the permeability guideline in § 271.703(c)(2)(i)(A), if the jurisdictional agency shows that the formation exhibits low permeability characteristics and that the incentive price is necessary to provide reasonable incentives for production from the formation. Wyoming claims in its submission that evidence gathered

through information and testimony presented at a public hearing in Cause No. 1, Order No. 1, Docket No. 238-81 convened by Wyoming on this matter demonstrates that:

(1) The recommended formations exhibit low permeability characteristics, and the price established in section 271.703(a) is necessary to provide reasonable incentives for production of gas from the recommended formation;

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

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

Wyoming further asserts that existing State and Federal Regulations assure that development of this formation will not adversely affect any fresh water aquifers.

Accordingly, pursuant to the authority delegated to the Director of the Office of Pipeline and Producer Regulation by Commission Order No. 97, issued in Docket No. RM80-68 (45 F.R. 53456, August 12, 1980), notice is hereby given of the proposal submitted by Wyoming that the Muddy, Lakota, Morrison, and Sundance Formations, as described and delineated in Wyoming's recommendation as filed with the Commission, each be designated a tight formation pursuant to § 271.703.

The Director, OPR, notes that this recommendation raises two significant issues. First, it is a recommendation received under the alternative requirements found in § 271.703(c)(2)(ii). Under this alternative approach, the Commission must decide whether Wyoming has made an adequate showing both that the recommended area exhibits low permeability characteristics and that the tight formation incentive price<sup>1</sup> is necessary to provide reasonable incentives for production of the natural gas from the recommended formation due to the extraordinary costs associated with such production.

The other issue in this case (which is an issue raised for the first time in a tight formation proceeding) is whether the Commission should designate as tight a formation which is located

<sup>1</sup> A Notice of Proposed Rulemaking was issued in Docket No. RM82-32-000 on February 10, 1983, which, if adopted, would set the tight formation gas incentive price at the lesser of an imputed commodity value based on the price of alternative fuels or 200% of the section 103 maximum lawful price.

entirely below 15,000 feet. This question is raised since most gas produced from such depths qualifies under NGPA section 107(c)(1) and thus is already price decontrolled pursuant to NGPA section 121. Therefore, the purpose in designating a formation, which is deeper than 15,000 feet, as a tight formation is to permit wells drilled before February 19, 1977, to qualify as "recompletion tight formation gas" under § 271.703(b)(3) of the regulations, since gas from these wells would not qualify for a deregulated price under section 107(c)(1). The only two wells within the recommended area which penetrate the recommended formations were both spudded after February 19, 1977, and therefore could qualify under section 107(c)(1) of the NGPA. The record also shows that some pre-1977 wells were drilled on the surface acreage within the recommended area, but that none of these wells were drilled deeper than 12,350 feet, with most of the wells ranging in depths from 5,000 to 8,000 feet.<sup>2</sup> It appears unlikely that any of these pre-1977 wells will be deepened to the recommended formations because to do so would contravene sound engineering practices. The Director, OPR, therefore questions the necessity of designating the formations as tight formations, since the gas produced from such formations will already be price-decontrolled.

Wyoming, in its transmittal letter to the Commission, as well as in certain statements in the transcript of the hearing convened by Wyoming in this case, indicated that the purpose of designating the formations as tight formations is to resolve a contractual pricing problem which exists for sales of gas produced from the recommended formations. The Director, OPR, questions whether this is adequate justification for considering designation of the formations as tight formations, and requests comments on this view.

## IV. Public Comment Procedures

Interested persons may comment on this proposed rulemaking by submitting written data, views or arguments to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before July 11, 1983. Each

<sup>2</sup> Gas produced from these wells, if deepened and completed in the recommended formation, could qualify as recompletion tight formation gas if the wells satisfy the requirements of § 271.703(b)(3) of the regulations pertaining to the date of completion of the well into the designated tight formation. These wells, even if completed below 15,000 feet, would not qualify under section 107(c)(1) because the wells were initially spudded prior to February 19, 1977.

person submitting a comment should indicate that the comment is being submitted in Docket No. RM79-189 (Wyoming-16), and should give reasons including supporting data for any recommendations. Comments should include the name, title, mailing address, and telephone number of one person to whom communications concerning the proposal may be addressed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written comments will be available for public inspection at the Commission's Division of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C., during business hours.

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

#### List of Subjects in 18 CFR Part 271

Natural gas, Incentive price, Tight formations.

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

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

Kenneth A. Williams,

Director, Office of Pipeline and Producer Regulation.

#### PART 271—[AMENDED]

Section 271.703 is amended by adding paragraphs (d)(172) through (175) to read as follows:

##### § 271.703 Tight formations.

(d) Designated tight formations.

(126) through (171) [Reserved]  
(172) Muddy Formation in Wyoming.  
RM79-189 (Wyoming-16).

(i) *Delineation of formation.* The Muddy Formation is located in Natrona County, Wyoming, in Township 36 North, Range 86 West, 6th P.M., Sections 4 through 9, Sections 15 through 22, and Sections 28 through 30; Township 36 North, Range 87 West, 6th P.M., Sections 1 through 3, Sections 11 through 14, NE¼ of Section 23, and N½, N½ S½ of Section 24; Township 37 North, 86 West, 6th P.M., Sections 19, 20, and 28 through 33; Township 37 North, Range 87 West,

6th P.M., Sections 23 through 26, and Sections 35 and 36.

(ii) *Depth.* The vertical limits of the Muddy Formation are defined as the Mowry Shale above, and the Thermopolis Shale below. The average depth to the top of the formation is 19,800 feet.

(173) *Lakota Formation in Wyoming.* RM79-76-189 (Wyoming-16).

(i) *Delineation of formation.* The Lakota Formation is located in Natrona County, Wyoming, in Township 36 North, Range 86 West, 6th P.M., Sections 4 through 9, Sections 15 through 22, and Sections 28 through 30; Township 36 North, Range 87 West, 6th P.M., Sections 1 through 3, Sections 11 through 14, NE¼ of Section 23, and N½, N½ S½ of Section 24; Township 37 North, 86 West, 6th P.M., Sections 19, 20, and 28 through 33; Township 37 North, Range 87 West, 6th P.M., Sections 23 through 26, and Sections 35 and 36.

(ii) *Depth.* The vertical limits of the Lakota Formation are defined as the Thermopolis Shale above, and the Morrison Shale below. The average depth to the top of the formation is 20,020 feet.

(174) *Morrison Formation in Wyoming.* RM79-76-189 (Wyoming-16).

(i) *Delineation of formation.* The Morrison Formation is located in Natrona County, Wyoming, in Township 36 North, Range 86 West, 6th P.M., Sections 4 through 9, Sections 15 through 22, and Sections 28 through 30; Township 36 North, Range 87 West, 6th P.M., Sections 1 through 3, Sections 11 through 14, NE¼ of Section 23, and N½, N½ S½ of Section 24; Township 37 North, 86 West, 6th P.M., Sections 19, 20, and 28 through 33; Township 37 North, Range 87 West, 6th P.M., Sections 23 through 26, and Sections 35 and 36.

(ii) *Depth.* The vertical limits of the Morrison Formation are defined as the Lakota Shale above, and the Sundance Shale below. The average depth to the top of the formation is 20,100 feet.

(175) *Sundance Formation in Wyoming.* RM79-76-189 (Wyoming-16).

(i) *Delineation of formation.* The Sundance Formation is located in Natrona County, Wyoming, in Township 36 North, Range 86 West, 6th P.M., Sections 4 through 9, Sections 15 through 22, and Sections 28 through 30; Township 36 North, Range 87 West, 6th P.M., Sections 1 through 3, Sections 11 through 14, NE¼ of Section 23, and N½, N½ S½ of Section 24; Township 37 North, 86 West, 6th P.M., Sections 19, 20, and 28 through 33; Township 37 North, Range 87 West, 6th P.M., Sections 23 through 26, and Sections 35 and 36.

(ii) *Depth.* The vertical limits of the Sundance Formation are defined as the Morrison Shale above, and the Triassic Shale below. The average depth to the top of the formation is 20,300 feet.

[FR Doc. 83-14746 Filed 6-1-83; 8:45 am]  
BILLING CODE 6717-01-M

## NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

### 25 CFR Part 700

#### Commissions Operations and Relocation Procedures; Hopi Reservation Evictees

**AGENCY:** Navajo and Hopi Indian Relocation Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This notice proposes adoption of rules to implement 25 U.S.C. 640d-14, Pub. L. 96-305, the Navajo and Hopi Indian Relocation Amendments Act of 1980, to provide for the relocation of members of the Navajo Tribe who were evicted from the Hopi Indian Reservation as a consequence of the decision in the case of *United States vs. Kabinto* (456 F. 2d 1087 (1972)). This action is necessary because the Commission's existing regulation do not address the unique situation of those families who were evicted from the Hopi Indian Reservation. The intended effect of this action is to establish regulations which will provide certainty in the determination of which families are eligible to receive benefits and the nature of benefits they are to receive and to allow the Commission to move forward to provide benefits to those families impacted by the law.

**DATE:** Comments must be received by July 5, 1983.

**ADDRESS:** Comments may be sent to Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, Arizona, 86002.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Tessler, CFR Liaison Officer, Navajo and Hopi Indian Relocation Commission, P.O. Box KK, Flagstaff, AZ, 86002, Telephone (602) 572-7356, FTS: 765-7350.

The principal author of this proposed rulemaking is E. Susan Crystal, Attorney at Law, of the Navajo and Hopi Indian Relocation Commission.

**SUPPLEMENTARY INFORMATION:** Section 700.601 of the proposed rule provides for definitions of Hopi reservation evictees and head of household. An evictee is a head of household who was evicted as a consequence of the court decision in *United States v. Kabinto*. This language

is consistent with the language of the Navajo and Hopi Indian Relocation Commission Amendments Act of 1980. The head of household definition requires that a person had to be a head of household as of November 10, 1972. Individuals who were 18 or older and self-supporting as of that date are considered heads of household.

Section 700.603 of the proposed rule provides that heads of household who were physically residing on the Hopi reservation on November 10, 1972 shall be eligible. If the head of household was absent for education, employment, military service or medical treatment, he/she may still be considered eligible if his/her spouse and/or immediate family were physically residing on the Hopi reservation as of November 10, 1972. Proof of physical residence will be determined by inclusion on various lists compiled by the Navajo Tribe and the BIA. Since the eviction occurred eleven years ago, it may be difficult to prove residence as of that time. A section has been included to allow an applicant to provide any relevant information to prove physical residence.

The replacement housing payments (§ 700.605) will be consistent with the regulatory scheme provided for those moving off the Hopi Partitioned Lands. If the head of household owns no dwelling, the Commission will purchase or construct a home. If he/she owns or is buying a home, the Commission will pay off the mortgage or fix up the home so it meets the Commission's decent, safe and sanitary standards. If the Commission determines that the house can not be brought up to these standards, it has the discretion to acquire a replacement dwelling. If the home is decent, safe and sanitary and owned free and clear, no replacement home will be provided.

Many of the Hopi reservation evictees were provided housing by other federal agencies. The Commission will inspect that home and expend whatever is necessary up to the maximum replacement housing benefit to assure the home meets decent, safe and sanitary standards.

Those individuals who moved from the Hopi reservation to the Hopi partitioned lands and who are eligible to receive benefits under Subpart A-H of these regulation shall not be eligible under this subpart. Appeals and hearings will be handled under Subpart L of the existing regulations.

#### List of Subjects in 25 CFR Part 700

Administrative practice and procedure, Conflict of interests, Freedom of information, Grant program-Indians,

Indians-claims, Privacy, Real property acquisition, Relocation assistance.

#### PART 700—[AMENDED]

Accordingly, the Commission proposes to issue a new subpart to Part 700 to read as follows:

##### Subpart P—Hopi Reservation Evictees

Sec.

- 700.601 Definitions.
- 700.603 Eligibility.
- 700.605 Replacement housing payments.
- 700.607 Dual eligibility.
- 700.609 Appeals.

Authority: 25 U.S.C. 640d, Pub. L. 93-531, 25 U.S.C. 640d-14, Pub. L. 96-305.

##### Subpart P—Hopi Reservation Evictees

###### § 700.601 Definitions.

(a) Hopi reservation evictees, Hopi reservation evictees are those heads of household of members of the Navajo Tribe who were evicted from the Hopi Indian Reservation as a consequence of the decision in the case of *United States v. Kabinto* (456 F. 2d 1087) (1972).

(b) Head of household. (1) A household is a group of two or more persons who lived together at a specific location, who formed a unit of permanent and domestic character.

(2) The head of household is the individual who speaks on behalf of the members of the household and who is determined by the Commission to represent the household.

(3) In order to be eligible for benefits under this section, an individual must have been a head of household as of November 10, 1972.

(4) Those individuals who were 18 or older as of November 10, 1972 and who were self-supporting at the time shall be considered head of household.

###### § 700.603 Eligibility.

(a) Those heads of household who were members of the Navajo Tribe, physically residing on the Hopi reservation on November 10, 1972 shall be eligible to receive relocation assistance. If the head of household was absent for employment, education, military service, medical treatment or incarceration, he/she shall still be considered eligible if his/her spouse and/or immediate family were physically residing on the Hopi reservation as of November 10, 1972.

(b) Proof of physical residence shall be determined by one of the following criteria:

- (1) Inclusion on the list of plaintiffs in *United States v. Kabinto* (456 F. 2d 1087) (1972);
- (2) Inclusion on the list prepared by the Bureau of Indian Affairs as a result

of having provided services to those heads of household;

(3) Inclusion on a list prepared by the Navajo Tribe in 1977;

(4) Inclusion on a list prepared by the Navajo Legal Aid Service dated April 29, 1970;

(5) Other evidence furnished by the applicant which is sufficient to prove residence on the Hopi reservation on November 10, 1972, as determined by the Commission.

###### § 700.605 Replacement housing payments.

(a) Each eligible head of household shall be entitled to receive a decent, safe and sanitary replacement dwelling in the following manner:

(1) If the head of household owns no dwelling, the Commission will make funds available to the head of household as provided in these regulations for the acquisition of a replacement home in one of the following manners:

(i) Purchase of an existing home by the head of household.

(ii) Contracting by the head of household for the construction of a home.

(iii) Participation or purchase by the head of household in a mutual help housing or other home ownership project under the U.S. Housing Act of 1937 (50 Stat. 888, as amended; 42 U.S.C. 1401) or in any other federally assisted housing program.

(2) If the eligible head of household owns or is buying or building a home, the Commission will expend relocation benefits in one of the following manners:

(i) If the home is decent, safe and sanitary, but is encumbered by a mortgage, such mortgage existing as of the effective date of these regulations, the Commission may expend replacement housing benefits up to the maximum then existing benefit to accelerate to the maximum extent possible the achievement by that household of debt-free home ownership.

(ii) If the home is owned free and clear but does not meet Commission decent, safe and sanitary standards; or the home is neither owned free and clear, nor is decent, safe and sanitary, the Commission will, at its discretion either:

(A) Expend replacement home benefits for improvements to assure the home meets the Commission's decent, safe and sanitary standards, or

(B) Expend replacement home benefits for the Acquisition of a replacement dwelling as if the eligible head of household or spouse did not own a home as in paragraph (a) of this section.

(3) If the home is decent, safe and sanitary, and is owned free and clear,

no replacement home benefits will be paid.

**§ 700.607 Dual eligibility.**

Those individuals who moved from the Hopi reservation to the Hopi partitioned lands and who are eligible to receive benefits under the general regulations, shall not qualify for benefits under this subpart.

**§ 700.609 Appeals.**

Appeals of eligibility, hearings and administrative review (appeals) will be administered under Subpart L of these regulations.

**Ralph Watkins,**

*Chairman, Navajo-Hopi Indian Relocation Commission.*

[FR Doc. 83-14424 Filed 6-1-83 8:45 am]

BILLING CODE 7560-01-M

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[LR-277-82]

**Addition to Tax for a Substantial Understatement of Liability; 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 the addition to tax to be imposed in the case of a substantial understatement of tax liability. The Tax Equity and Fiscal Responsibility Act of 1982 provides for the addition to tax. The proposed regulations affect all taxpayers subject to the addition to tax, and provide guidance necessary to comply with the provisions.

**DATES:** The public hearing will be held on Tuesday, July 12, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Tuesday, June 28, 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-277-82), 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, N.W., 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 6661 of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Tuesday, March 15, 1983 (48 FR 10862).

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 Tuesday, June 28, 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 the 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. 83-14810 Filed 6-1-83; 8:45 am]

BILLING CODE 4830-01-M

**26 CFR Part 1**

[LR-189-82]

**Personal Service Corporations Proposed Income Tax 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 the reallocation of income, deductions, credits, and

exclusions between a personal service corporation and its employee-owners if the corporation was formed or availed of primarily to evade or avoid Federal income taxes.

**DATES:** The public hearing will be held on Tuesday, July 19, 1983, beginning at 10:00 a.m. Outlines of oral comments must be delivered or mailed by Tuesday, July 5, 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-188-82), 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, N.W., 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 269A of the Internal Revenue Code of 1954. The proposed regulations appeared in the *Federal Register* for Thursday, March 31, 1983 (48 FR 13438).

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 Tuesday, July 5, 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 the 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. 83-14813 Filed 6-1-83; 8:45 am]

BILLING CODE 4830-01-M

## Bureau of Alcohol, Tobacco and Firearms

### 27 CFR Part 9

[Notice No. 468]

#### Pacheco Pass Viticultural Area

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in California to be known as "Pacheco Pass." This proposal is the result of a petition from Mr. H. G. Zanger, a grape grower in the area. The establishment of viticultural areas and the subsequent use of viticultural area names in wine labeling and advertising will enable industry to label wines more precisely, and will help consumers to better identify the wines they purchase.

**DATE:** Written comments must be received by July 18, 1983.

**ADDRESSES:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044-0385 (Notice No. 468)

Copies of the petition, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226 (202-566-7626).

#### SUPPLEMENTARY INFORMATION:

##### Background

ATF regulations in 27 CFR Part 4 provide for the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

Part 9 of 27 CFR provides for the listing of approved American viticultural

areas, the names of which may be used as appellations of origin.

Section 4.25(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map(s) with the boundaries prominently marked.

##### Petition

ATF has received a petition from Mr. H. G. Zanger of Pacheco Pass Vineyard, proposing an area near Hollister, California, as a viticultural area to be known as "Pacheco Pass." The area extends for a length of about 5 miles and a width of about 1 mile (3200 acres). It is located at the entrance to Pacheco Pass, by the junction of California Routes 152 ("Pacheco Pass Highway") and 156.

There are about 17 acres of grapes currently planted in the proposed area, and one bonded wine cellar is operating. The petitioner stated that he plans to construct a winery and to plant up to 600 additional acres of grapes on land that he currently owns in the area.

The petitioner claims that the proposed viticultural area is known by the name of Pacheco Pass" and is associated with grape growing for the following reasons:

(a) The name of the area derives from Don Francisco Pacheco, who in 1833 received a large land grant from the Mexican Government. The name of the land grant was "Rancho Pacheco," and the nearby pass over the Diablo Range took the name "Pacheco Pass."

(b) Don Pacheco made use of the area's unique microclimate to plant vineyards for his personal use. (This is

recounted in Dr. Alfred Shumate's book, "Francisco Pacheco of Pacheco Pass.")

(c) Later settlers continued this tradition. From 1936 to 1952, there was a 70,000 gallon winery operating within the area. At various times during this century, over 100 acres of land in the area have been planted to grapes. However, due to economic conditions, vine disease, and death of the owners, only one vineyard and one bonded wine cellar remain in operation today.

(d) Since 1976, the designation "Pacheco Pass Vineyard" has appeared on certain wine labels from Casa de Fruta. (Casa de Fruta is the bonded wine cellar in the proposed area, and "Pacheco Pass Vineyard" is the name of Casa de Fruta's 17-acre vineyard in the proposed area.)

The petitioner claims that the proposed viticultural area is distinguished from the surrounding areas for the following reasons:

(1) Pacheco Pass is a cut through the Diablo Range and has an approximate total length of 15 miles. The proposed Pacheco Pass viticultural area occupies only the southwestern one-third of that total length, because the rest is unsuitable for viticulture.

(2) The proposed viticultural area is distinguished on the basis of terrain from the surrounding areas to the east and west. The viticultural area is in a valley and generally has flat or gently sloping terrain; whereas to the east and west lie the rugged hills of the Diablo Range. Those hills are too steep for viticulture and are also distinguishable from the proposed viticultural area on the basis of soil types.

(3) As Pacheco Pass rises in elevation northeast of the proposed viticultural area, the soil changes markedly, becoming very shallow and rocky. Therefore, it is not suitable for any kind of cultivation and is used primarily as rangeland. For this reason, it has not been included within the proposed viticultural area even though it is associated with the name "Pacheco Pass." Furthermore, as the pass continues to rise in elevation, the climate changes, becoming wetter and subject to greater temperature extremes; then the pass narrows to where it is almost fully occupied by Pacheco Pass Highway and the shifting stream bed of Pacheco Creek. At this point (near Pacheco Lake) the pass is steep and forested.

(4) To the south, the proposed viticultural area is distinguished from the surrounding area on the basis of soil and climate. Outside the boundaries of the proposed viticultural area, the land is afflicted with high-perched water

tables and boron salts which affect the quality of water. In contrast, the proposed Pacheco Pass viticultural area is free from these defects, having a very good water table and good quality water from Pacheco Creek. Further, the viticultural area has more rainfall than the Hollister Basin to the south, and it enjoys more moderate temperatures due to the passage of winds through Pacheco Pass en route to the San Joaquin Valley.

Daytime temperature in the San Joaquin Valley may be 30° higher than at the ocean; this difference creates a venturi effect, and the air mass moves from the cool of the ocean to the heat of the interior valley, bringing cool breezes to the Pacheco Pass viticultural area. Pacheco Pass is the only pass south of Interstate Highway 580 (Altamont Pass) and north of San Luis Obispo. Consequently, consistently strong winds near the highest elevation Pacheco Pass have led the State of California to construct an experimental wind turbine there for the generation of electricity.

The boundaries of the proposed viticultural area may be found on two U.S.G.S. maps in the 7.5 minute series: San Felipe Quadrangle and Three Sisters Quadrangle. The boundaries are as described in the proposed § 9.88.

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, because the value of the proposed viticultural area designation is intangible and subject to influence by unrelated factors. Further, the proposal will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

#### Executive Order 12291

In compliance with Executive Order 12291 of Feb. 17, 1981, the Bureau has determined that this proposal is not a major rule since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (c) Significant adverse effects on

competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

#### Public Participation—Written Comments

ATF requests comments concerning this proposed viticultural area from all interested persons. Furthermore, while this document proposes possible boundaries for the Pacheco Pass viticultural area, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

#### Drafting Information

The principal author of this document is Steve Simon, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

#### Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

**Paragraph 1.** The table of sections in 27 CFR Part 9, Subpart C, is revised to add the title of § 9.88. As revised, the

table of sections reads as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.

9.88 Pacheco Pass.

**Paragraph 2.** Subpart C of 27 CFR Part 9 is amended by adding § 9.88, which reads as follows:

#### § 9.88 Pacheco Pass.

(a) *Name.* The name of the viticultural area described in this section is "Pacheco Pass."

(b) *Approved maps.* The appropriate maps for determining the boundaries of Pacheco Pass viticultural area are two U.S.G.S. maps. They are titled:

- (1) San Felipe Quadrangle, 7.5 minute series, 1955 (photorevised 1971).
- (2) Three Sisters Quadrangle, 7.5 minute series, 1954 (photorevised 1971).

(c) *Boundary—(1) General.* The Pacheco Pass viticultural area is located in California. The starting point of the following boundary description is the crossing of Pacheco Creek under California Highway 156, about 4 miles north of Hollister Municipal Airport, in San Benito County, California.

(2) *Boundary Description—(i)* From the starting point northwestward along Pacheco Creek to the intersection with the straight-line extension of Barnheisel Road.

*Note:* This is an old land grant boundary and appears on the U.S.G.S. map as the western boundary of an orchard.

(ii) From there in a straight line northeastward to the intersection of Barnheisel Road and California Highway 156.

(iii) From there northward along Highway 156 to California Highway 152 ("Pacheco Pass Highway").

(iv) Then northward along Pacheco Pass Highway to the 37° latitude line.

(v) Then eastward along that latitude line to the land line R.5E./R.6E.

(vi) Then southward along that land line, crossing Foothill Road, and continuing southward to a point exactly 2,3000 feet south of Foothill Road.

(vii) From there in a straight line to the starting point.

Approved: May 25, 1983.

W. T. Drake,

Acting Director.

[FR Doc. 83-14632 Filed 5-1-83; 8:45 am]

BILLING CODE 4810-31-M

## DEPARTMENT OF THE INTERIOR

## Office of Surface Mining Reclamation and Enforcement

## 30 CFR Part 901

## Proposed Extension of Study on Alabama's Program Provisions Concerning Disposal of Excess Spoil

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule

**SUMMARY:** OSM is proposing to extend the trial period for a study of provisions for the disposal of excess spoil on abandoned mine sites contained in Alabama's conditionally approved program for the regulation of surface coal mining and reclamation operations and the surface effects of underground mining.

The Alabama program was conditionally approved by the Secretary of the Interior on May 20, 1982 (See 47 FR 22030-58). By that notice, the Secretary announced that a one year trial period would be held in order to evaluate the adequacy of Alabama's plan. The one year period expired on May 20, 1983. Because few permit applications requesting to take advantage of Alabama's excess spoil plan were received and because the available site-specific data is insufficient, OSM cannot make a meaningful evaluation of the plan within the one year period. On May 19, 1983, OSM received a request from the Alabama Surface Mining Commission that the trial period be extended for three years (AL-378). OSM proposes to extend the trial period for a lesser period (to August 20, 1984), for the reasons set forth in this notice, and invites public comment on the proposed extension.

This document sets forth the times and locations that copies of the Alabama program, the Secretary's notice of conditional approval, and copies of permit applications requesting approval to implement Alabama's excess spoil provisions on specific sites are available for public inspection. This notice also contains the details about the public comment period during which interested persons may submit written comments on the proposed trial period extension, and information pertinent to the public hearing.

**DATE:** Written comments relating to the proposed extension not received on or before 4:00 p.m. on July 5, 1983, will not necessarily be considered in OSM's

decision on whether the trial period will be extended.

If requested, a public hearing will be held on June 27, 1983, beginning at 10:00 a.m. at the location shown under "ADDRESSES."

**ADDRESS:** Written comments should be mailed or hand-delivered to: Mr. John T. Davis, Director, Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama 35209.

If a public hearing is held, its location will be at: OSM Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama 35209; Telephone: (205) 254-0890.

**FOR FURTHER INFORMATION CONTACT:** Mr. John T. Davis, Director, Birmingham Field Office, Office of Surface Mining, 228 West Valley Avenue, Room 302, Birmingham, Alabama; Telephone: (205) 254-0890

**SUPPLEMENTARY INFORMATION:****I. Public Comment Procedures***Availability of Copies*

Copies of the Alabama program, the Secretary's notice conditionally approving the the Alabama program (together with the Secretary's findings), permit applications received to date requesting to implement Alabama's excess spoil plan on a site-specific basis, and a listing of any scheduled public meeting and all written comments received in response to this notice will be available for review at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays

Office of Surface Mining, Room 5315,  
1100 L Street, N.W., Washington, D.C.  
20240

Office of Surface Mining, 228 West  
Valley Avenue, Room 302,  
Birmingham, Alabama 35209.

Alabama Surface Mining Commission,  
100 Third Street, Payne, Alabama  
35967.

*Written Comments*

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "Dates" or at locations other than Birmingham, Alabama, will not necessarily be considered and included in the Administrative Record for the final rulemaking.

*Public Hearing*

Persons wishing to comment at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by the close of business three working days before the date of the hearing. If no one requests to comment at the public hearing, the hearing will not be held.

If only one person requests to comment, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

Individual testimony at the hearing will be limited to 15 minutes. Filing of a written statement at the time of the hearing is requested and will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare appropriate questions for clarification or to request more specific information from the person testifying. The public hearing will continue on the specified date until all persons who have not been scheduled to comment and wish to do so are heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

*Public Meeting*

Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting at the OSM office listed in "ADDRESSES" or by contacting the person listed under "FOR FURTHER INFORMATION CONTACT."

All such meetings are open to the public and, if possible, notices of meetings will be posted in advance in the Administrative Record. A written summary of each public meeting will be made part of the Administrative Record.

**II. Background on the Alabama Program and Excess Spoil Provisions**

Information regarding the general background on the Alabama State Program, including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Alabama program can be found in the May 20, 1982, **Federal Register** at 47 FR 22030-58. In that notice, under Finding 18.1 (47 FR 22038-39), the Secretary approved, with certain restrictions, Alabama's plan to allow the disposal of excess spoil generated by current operations on areas which have been previously disturbed but not adequately reclaimed. The provisions of Alabama's plan were set forth at State rule section 805.11. [That section has now been recorded as 880-X-9b-11 under a generic

recodification scheme. See the section "Other Information" below for details about Alabama's recodification of its rules.) No comparable provision is contained under the Federal rules.

The Secretary's findings on Alabama's provision noted that under the State's plan, the previously disturbed area must be included within the currently permitted bond area, but an additional bond amount would not be required. In an attempt to ensure the reclamation of the entire area in the event an operator defaults on his obligations and abandons the job, the Alabama regulations state that the condition of the entire area will be considered before full bond release is granted. Federal regulations at 30 CFR 800.11(b)(1) require that all operations to be conducted within the permit area during the life of the mine be covered by a performance bond. By that definition, those areas to be used for excess spoil disposal must be included in the performance bond. In his findings, the Secretary expressed concern that the State's plan might spread bond amounts too thin, resulting in less, rather than more, reclamation. However, since the plan has possibilities for increased reclamation activities, the Secretary proposed to allow its implementation on a controlled basis for an appropriate trial period.

A one year trial period was established during which the State was allowed to put its plan into effect under the following conditions:

(1) Prior to approval of any application involving this spoil disposal plan, the State Regulatory Authority must notify the OSM Field Office and submit to that Office a report stating the relevant particulars concerning the request indicating that the State approved:

(2) The OSM Field Office will then review the matter and notify the State within 30 days of its approval or objection;

(3) At the end of one year, the State shall submit to the OSM Field Office a report on the project;

(4) The OSM Field Office will then review the State report, add data or material as needed and transmit the material to OSM Headquarters;

(5) A decision will then be made concerning the success or failure of the trial.

The Secretary's findings also stated that it was recognized that a one year trial period may not be sufficient to adequately evaluate the initial results and that OSM may extend the trial period as needed until sufficient data for appropriate evaluation is obtained.

Alabama agreed to the above restrictions.

### III. Reasons for the Proposed Trial Period Extension

The present one year trial period ended on May 20, 1983. In early 1983, seven applications were received which requested to implement Alabama's plan on specific sites. The Alabama Surface Mining Commission forwarded recommendations that OSM approve all seven applications. As of May 1, 1983, OSM has approved six of those applications. Actual on-site implementation of Alabama's plan will not occur in sufficient time prior to May 20, 1983, to provide adequate data for OSM to make a meaningful evaluation.

On May 19, 1983, the Alabama Surface Mining Commission submitted a statement (AL-378) to OSM that no site-specific information on the plan's implementation is available at this time. That statement also included a request that OSM extend the trial period for three years. The State's request did not specify a specific rationale to support a three year extension.

Based on the number of applications approved at this time, OSM estimates that it will be approximately August 20, 1984 (2 and 1/4 years after Alabama's primacy took effect) before significant data can be collected on a sufficient number of cases for a meaningful evaluation.

OSM is proposing that the trial period for Alabama's excess spoil plan be extended to August 20, 1984. OSM believes that sufficient information should be available by that time for a meaningful evaluation to be made. At the close of the study period, OSM would compile and evaluate the data and determine whether to allow the State's practice to continue or, in the event of insufficient data, to extend the trial period again.

At this time, OSM requests comments on the proposed extension and, in particular, on the length of any possible extension that may be granted. If an extension is granted, the length of the extension may be different than the period being proposed today. To assist the public, OSM will make available copies of those applications presently on file which would implement the State's provisions on specific sites. These applications are available for review at the OSM Field Office and Office of the State Regulatory Authority shown above under "Addresses."

### IV. Other Information

On November 24, 1982, the Alabama Surface Mining Commission informed OSM that due to the implementation of

the Alabama Administrative Procedures Act, the State has renumbered its regulations to coincide with the requirements of the new systems as follows:

#### RULES OF ALABAMA SURFACE MINING COMMISSION—TABLE OF CONTENTS

Existing citation	New citation	Topic
<i>Chapter 880-X-1. Organization</i>		
	880-X-1A	Organization.
	880-X-1B	Forms.
<i>Chapter 880-X-2. General</i>		
700	880-X-2A	General.
701	880-X-2B	Applicability.
705	880-X-2C	Restriction on Financial Interests of State Employees.
707	880-X-2D	Exemption for Coal Extraction Incident to Government-financed Highway or Other Construction.
708	880-X-2E	Exemption for Coal Extraction Incident to the Extraction of Other Minerals.
<i>Chapter 880-X-3. Interim Program Regulations</i>		
710	880-X-3A	Continued Operation under the Interim Program.
<i>Chapter 880-X-4. Permanent Regulatory Programs for Non-Federal and Non-Indian Lands</i>		
	880-X-4A	(This Chapter not used at this time.)
<i>Chapter 880-X-5. Special Rules for Hearings and Appeals</i>		
710	880-X-5A	Special Rules Applicable to Surface Coal Mining Hearings and Appeals.
<i>Chapter 880-X-6. General Requirements for Licensing</i>		
713	880-X-6A	General Requirements for Licenses and License Application.
<i>Chapter 880-X-7. Areas Unsuitable for Mining</i>		
760	880-X-7A	General.
761	880-X-7B	Areas Designated by the Act.
762	880-X-7C	Criteria for Designating Areas as Un-suitable for Surface Coal Mining Operations.
764	880-X-7D	State Processes for Designating Areas Un-suitable for Surface Coal Mining Operations.
<i>Chapter 880-X-8. Surface Coal Mining and Reclamation Operations Permits and Coal Exploration</i>		
770	880-X-8A	General Requirements for Exploration and Operation Permits.
771	880-X-8B	General Requirements for Permits and Permit Applications.
776	880-X-8C	General Requirements for Coal Exploration.
778	880-X-8D	Surface Mining Permit Applications—Requirements for Legal, Financial, Compliance, and Related Information.
779	880-X-8E	Surface Mining Permit Applications—Requirements for Information on Environmental Resources.
780	880-X-8F	Surface Mining Permit Applications—Requirements for Reclamation and Operation Plan.
782	880-X-8G	Underground Mining Permit Applications—Requirements for Legal, Financial, Compliance, and Related Information.
783	880-X-8H	Underground Mining Permit Applications—Requirements for Information on Environmental Resources.

## RULES OF ALABAMA SURFACE MINING COMMISSION—TABLE OF CONTENTS—Continued

Existing citation	New citation	Topic
784	880-X-8I	Underground Mining Permit Application—Requirements for Reclamation and Operation Plan.
785	880-X-8J	Requirements for Permits for Special Categories of Mining.
786	880-X-8K	Review, Public Participation, and Approval or Disapproval of Permit Applications and Permit Terms and Conditions.
787	880-X-8L	Administrative and Judicial review of Decisions by the State Regulatory Authority on Permit Applications.
788	880-X-8M	Permit Reviews, Revisions, and Renewals, and Transfer, Sale, and Assignment of Rights Granted under Permits.
795	880-X-8N	Small Operator Assistance.

## Chapter 880-X-12. Training, Examination, and Certification of Blasters

850	880-X-12A	Training, Examination and Certification Program for Blasters.
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OSM intends to incorporate Alabama's recodification scheme into the approved Alabama program.

## Additional Determinations

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

## List of Subjects in 30 CFR Part 901

Coal mining Intergovernmental relations, Surface mining, Underground mining.

Dated: May 27, 1983.

J. Steven Griles

Acting Director, Office of Surface Mining.

[FR Doc. 83-14817 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-05-M

## 30 CFR Part 913

## Permanent State Regulatory Program of Illinois; Consideration of Modification of Decline

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Surface Mining (OSM) is considering modifying the deadline for Illinois to meet two conditions of approval of its State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The conditions concern sediment ponds and covering coal seams with water.

**DATE:** Comments must be received by July 5, 1983, at the address below, no later than 4:30 p.m.

**ADDRESS:** Written comments must be mailed or hand-delivered to: Office of Surface Mining, Springfield Field Office, No. 4 Old Capitol Plaza, North, Springfield, Illinois 62701.

**FOR FURTHER INFORMATION CONTACT:**

Mr. James Fulton, Field Office Director, Office of Surface Mining, No. 4 Old Capitol Plaza, North, Springfield, Illinois 62701; Telephone: (217) 492-4495.

**SUPPLEMENTARY INFORMATION:** Under 30 CFR 732.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The schedule is established in consultation with the State based on the time required for changes to be adopted under State procedures or legislative schedules.

The Illinois program was conditionally approved June 1, 1982 (47 FR 23858). In that document, the Secretary published a schedule for the State to meet each of the five conditions on the State program.

## Chapter 880-X-9. Bond and Insurance Requirements for Surface Coal Mining and Reclamation Operations

800	880-X-9A	General Requirements for Bonding of Surface Coal Mining and Reclamation Operations.
805	880-X-9B	Amount and Duration of Performance Bond.
806	880-X-9C	Forms, Conditions, and Terms of Performance Bonds and Liability Insurance.
807	880-X-9D	Procedures, Criteria and Schedule for Release of Performance Bond.
808	880-X-9E	Performance Bond Forfeiture Criteria and Procedures.

## Chapter 880-X-10. Performance Standards

810	880-X-10A	Performance Standards—General Provisions.
815	880-X-10B	Performance Standards—Coal Exploration.
816	880-X-10C	Performance Standards—Surface Mining Activities.
817	880-X-10D	Performance Standards—Underground Mining Activities.
818	880-X-10E	Special Performance Standards—Concurrent Surface and Underground Mining.
819	880-X-10F	Special Performance Standards—Auger Mining.
823	880-X-10G	Special Performance Standards—Operations on Prime Farmland.
824	880-X-10H	Special Performance Standards—Mountaintop Removal.
826	880-X-10I	Special Performance Standards—Operations on Steep Slopes.
827	880-X-10J	Special Performance Standards—Coal Processing Plants and Support Facilities Located at or Near the Minesite but not Within the Permit Area of a Mine.
828	880-X-10K	Special Performance Standards—In Situ Processing.

## Chapter 880-X-11. Inspection and Enforcement Provisions

840	880-X-11A	General Requirements for Inspection and Enforcement.
842	880-X-11B	Inspections.
843	880-X-11C	Enforcement.
845	880-X-11D	Civil Penalties.

This notice is for the purpose of addressing the State's request for an extension that would establish a new deadline for the State to meet conditions (b) and (c) of 30 CFR 913.11. These conditions were due by June 1, 1983. The State noted, in its May 23, 1983 request, that the Illinois Department of Mines and Minerals (IDMM) had filed a notice of proposed rulemaking in the Illinois Register to amend its permanent program rules to meet the two conditions due June 1, 1983. However, the IDMM received little public comment on the proposed rulemaking. In order to stimulate the fullest public participation in the rulemaking process, the IDMM wishes, by direct mailing to interested persons, to give further notice of the proposed rulemaking. Under Illinois administrative procedures, this process should be complete within six months.

Therefore, the State requested a six-month extension of the June 1, 1983 deadline. As the State noted in its letter, since Illinois agreed to operate its program in conformance with the terms of the conditions until such time as its rules are amended, there will be no substantive difference in the field.

In accordance with the State's request, OSM is proposing that the deadline for the State to meet these conditions be extended until December 1, 1983. OSM requests comments on this proposed extension.

#### Procedural Matters

1. Compliance with the National Environmental Policy Act: The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act: On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act: This rule does not contain information collection requirements which require approval by

the Office of Management and Budget under 44 U.S.C. 3507.

#### List of Subjects in 30 CFR Part 913

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

#### PART 913—ILLINOIS

Accordingly, Part 913 of Title 30 is proposed to be amended as set forth herein.

Dated: May 27, 1983.

J. Steven Griles,  
Acting Director, Office of Surface Mining.

#### § 913.11 [AMENDED]

1. Section 913.11 is amended in paragraphs (b) and (c) by substituting "December 1, 1983" for "June 1, 1983" each time it appears.

[FR Doc. 83-14816 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-05-M

#### ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 405, 406, 407, 408, 409, 411, 412, 422, 424, 426, 429, 430, 431, 432, 433, and 440

[WH-FRL-2374-5]

#### Availability of Data Pertaining to Proposed Methodology for Best Conventional Pollutant Control Technology Effluent Limitations Guidelines

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Availability concerning proposed rules.

**SUMMARY:** EPA proposed a revised methodology for determining the reasonableness of Best Conventional Pollutant Control Technology (BCT) effluent limitations guidelines on October 29, 1982 (47 FR 49176). The Agency now expects to use new data on publicly owned treatment works (POTWs) in the promulgation of the final methodology and requests comments from the public on its use.

**DATE:** Comments must be submitted on or before July 5, 1983. Comments should be mailed to Ms. Renee Rico, Attn: Comments on BCT Notice of Availability, Office of Analysis and Evaluation (WH-586), 401 M Street, S.W., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** Ms. Renee Rico, Office of Analysis and Evaluation (WH-586), 401 M Street, S.W., Washington, D.C. 20460 (202) 382-5386.

#### SUPPLEMENTARY INFORMATION: Background

On October 29, 1982, EPA published its proposed methodology to determine the reasonableness of Best Conventional Pollutant Control Technology (BCT) effluent limitations, 47 FR 49176. At the same time, EPA applied the proposed BCT methodology to the following secondary industry and primary industry categories: Dairy Products, Grain Mills, Canned and Preserved Fruits and Vegetables, Canned and Preserved Seafoods, Sugar, Cement Manufacturing, Feedlots, Inorganic Chemicals, Phosphates, Ferroalloy Manufacturing, Glass Manufacturing, Timber Products, Pulp, Paper and Paperboard, and Builder's Paper and Board Mills, Meat Products, Metal Finishing, and Ore Mining and Dressing.

The proposed methodology consists of two parts: A POTW test and an industry cost-effectiveness test. Both tests must be passed for BCT limitations to be set more stringent than Best Practicable Control Technology Currently Available (BPT) limitations. The POTW test compares the cost per pound of conventional pollutants removed by industry in going from BPT to BCT with the incremental cost per pound removed by POTWs in going for secondary treatment to advanced secondary treatment (the POTW benchmark). The incremental costs to industry must be less than the POTW benchmark for more stringent levels of control to pass the POTW test. At proposal the benchmark was \$0.27 per pound (1976 dollars). The Industry Cost test compares industry's incremental cost per pound in going from pre-BPT to BPT levels with the incremental costs in going from BPT to BCT. If the ratio of the latter cost divided by the former cost is greater than 1.43 (the industry Benchmark), the more stringent levels of control do not pass this test.

#### POTW Cost Equations

Each of the benchmarks is based on POTW costs of construction and operation and levels of pollutant reduction at particular treatment levels. At the time of proposal, EPA used the following report in computing the construction costs of levels of treatment at POTWs: "Construction Costs for Municipal Wastewater Treatment Plants: 1973-1978," EPA 430/5-80-003, May, 1980. EPA used curves in Figure 4.1 of that document.

Since the EPA used the 1980 POTW study, new construction cost curves have been developed for EPA's Office of Water Program Operations. These cost curves will be used as part of the 1984

Needs Survey and are scheduled to be published in August, 1983. (Needs Surveys are conducted biennially by the Agency in order to assess the cost of providing sewage collection and treatment as required by Pub. L. 95-217.) As with the curves in the 1980 POTW cost document, these new curves describe the relationship between construction costs and wastewater flow for POTW treatment technologies ranging from primary treatment through advanced secondary treatment. Since these latest curves reflect the most recent cost data (four years newer), the Agency believes that it is preferable to use these curves to promulgate the final BCT methodology. Table 1 present in equation form the cost curves EPA plans to use in the final methodology. (The cost equations EPA used in proposing the revised methodology on October 29, 1983 appeared in Tables A2 and B2 of Appendices A and B of the October 29, 1983 Federal Register notice [47 FR 49196 and 49198].) While the new curves will be used in the same way as those used in the proposed methodology, they may result in changes to the BCT benchmarks and different levels of control for final BCT limitations.

TABLE 1.—CAPITAL COST EQUATIONS  
(3d quarter 1982 dollars)

Treatment level	Cost equations <sup>1</sup>	Indexation factor to 1976 dollars
Savings from primary treatment	$\$1.14 \times 10^6 Q^{.71}$	.629
Secondary treatment	$\$3.29 \times 10^6 Q^{.71}$	.629
Savings from secondary treatment	$\$1.82 \times 10^6 Q^{.71}$	.629
Advanced treatment <sup>2</sup>	$\$3.83 \times 10^6 Q^{.71}$	.629

<sup>1</sup> Q = flow size in millions of gallons per day.  
<sup>2</sup> Advance Treatment I is equivalent to Advanced Secondary Treatment.

#### Comments Invited

The comments received on the use of this data will be considered in the development of the final BCT methodology. Copies of documentation on the new curves may be reviewed at the EPA Headquarters Library, Public Information Reference Unit, 401 M Street, S.W., Washington, D.C. 20460, Rm: 2404, and at EPA Regional Libraries. Copies of the documentation on the new curves may also be obtained by writing or telephoning Ms. Dena Caldwell,

Office of Analysis and Evaluation (WH-586) U.S.E.P.A., Washington, D.C. 20460 (202) 382-5397.

Dated: May 25, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-14743 Filed 6-1-83; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

[Docket No. FEMA-8526]

#### National Flood Insurance Program; Proposed Flood Elevation Determinations; Connecticut et al.

**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 this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Dr. Brian 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 floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain 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 floodplain 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, Floodplains.

#### PART 67—[AMENDED]

The proposed base (100-year) flood elevations for selected locations are:

#### PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Connecticut	Bethel, town, Fairfield County	Limekiln Brook	Downstream corporate limits Upstream Walnut Hill Road	*294 *311

## PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 340 feet downstream of second dam after Walnut Hill Road.	*337
			Upstream Plumtrees Road.	*368
			Approximately 3,550 feet downstream Rockwell Road.	*402
			Approximately 150 feet upstream of Old Hawleyville Road.	*427
			Upstream corporate limits.	*447
		Sympaug Brook	Downstream corporate limits.	*360
			Upstream South Street.	*372
			Grassy Plain Street/State Route 53	*363
		Fast Swamp Brook	*Confluence with Limekiln Brook.	*294
			Upstream of Plumtrees Road.	*305
			Approximately 625 feet upstream of Taylor Road.	*373
		Terrehaute Brook	Confluence with Sympaug Brook.	*362
			Approximately 1,180 feet upstream of Reservoir Street.	*375
		Wolf Pit Brook	Confluence of East Swamp Brook.	*346
			Upstream Dodgingtown Road.	*374
			Approximately 990 feet upstream of dam.	*392
			Confluence of Putnam Park Brook.	*446
			Approximately 1,020 feet upstream of Wolf Pits Road.	*502
		Dibbles Brook	Confluence with Limeskiln Brook.	*368
			Approximately 25 feet downstream of second dam after Plumtrees Road.	*400
			Approximately 2,230 feet upstream of private drive culvert.	*435
		Putnam Park Brook	Confluence with Wolf Pit Brook.	*445
			Approximately 265 feet upstream of second private drive after State Route 58.	*470

Maps available for inspection at the Town Clerk's Office, Town Hall, Bethel, Connecticut.

Send comments to Honorable Edward Mills, First Selectman of the Town of Bethel, Town Hall, Library Place, Bethel, Connecticut 08601.

Colorado	Delta County (unincorporated areas)	Gunnison River and river	At the intersection of G-50 Road	*4,896
			50 Feet upstream of State Highway 92	*5,007
		North fork, Gunnison River	At the intersection of 3400 Road and river	*5,293
			100 feet downstream of State Highway 187	*5,635
		Uncompahgre River	100 feet upstream of 1600 Road	*5,017
			At the intersection of B Road and river	*5,143
		Minnesota Creek	At the intersection of 4110 Drive and creek	*5,672
		Surface Creek	10 feet upstream of 2305 Drive	*6,002

Maps available for inspection at the Planning Department, 5th & Palmer, Delta, Colorado.

Send comments to Honorable John W. Hawkins, 5th & Palmer, Delta, Colorado 81416.

Colorado	Montrose County, (Unincorporated Areas)	Uncompahgre River	30 feet upstream from center of Blossom Road	*5,240
			60 feet upstream from center of Jay Jay Road	*5,526
		Montrose Arroyo	50 feet upstream from center of Ogden Road	*5,956
		Dry Cedar Creek	75 feet upstream from center of Highway 550	*5,663
		Happy Canyon Creek	45 feet upstream from center of U.S. Highway 90	*5,776
		San Miguel River	70 feet upstream of Main Street	*4,984

Maps available for inspection at Planning Department, 320 S. 1st. Street, Montrose, Colorado.

Send comments to Honorable Neal Reams, Box 1299, Montrose, Colorado 81402.

Florida	Bradenton Beach (city), Manatee County	Gulf of Mexico	Center of intersection of Avenue B and 24th Street	*10
			Center of intersection of Avenue C and 22nd Street	*11
			Center of intersection of State Highway 789 (Gulf Drive) and 22nd Street.	*12
			100 feet due west from the center of the intersection of State Highway 789 (Gulf Drive) and 22nd Street.	*14
			100 feet due west from the center of the intersection of State Highway 789 (Gulf Drive) and State Highway 684 (Cortez Road).	*15

Maps available for inspection at Building Department, City Hall, 107 Gulf Drive North, Bradenton Beach, Florida.

Send comments to the Honorable Richard F. Connick, 107 Gulf Drive North, Bradenton Beach, Florida 33510.

Florida	Sarasota (city), Sarasota County	Whitaker Bayou	At the center of the intersection of 41st Street and Coconut Avenue.	*14
		Philippi Creek, Branch B	At the Confluence with Philippi Creek Branch A.	*18
		Rainfall Ponding	250 feet east from center of the intersection of Callandra Drive and Circus Boulevard.	*10
		Gulf of Mexico	At the center of the intersection of Filmore Drive and Monroe Drive.	*11
			At the center of the intersection of Cedar Terrace and Chippewa Place.	*12
			At the center of the intersection 1st Street and Cedar Point Drive.	*13
			At the center of the intersection of Norosota Way and Hamilton.	*14
			At the center of the intersection of Bayshore Road and Indian Beach Drive.	*15
			At the Westernmost end of Sapphire Drive	*16
			At the mouth of Whitaker Bayou	*17

## PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			400 feet north from North Shore Drive near the shoreline of Sarasota Bay.	*18
Maps available for inspection at Chief Building Inspector's Office, City Hall, 1st and Orange Avenue, Sarasota, Florida. Send comments to the Honorable Rita Roehr, P.O. Box 1058, Sarasota, Florida 33578.				
Illinois	(V) Bath, Mason County	Illinois River	Within the corporate limits	*452
Maps available for inspection at the Parrott's Restaurant, Bath, Illinois. Send comments to Honorable Jewel Moore, Village President, Village of Bath, Community Building, Bath, Illinois 62617.				
New Jersey	Belmar, Borough, Monmouth County	Atlantic Ocean Shark River	Entire shoreline within community Entire shoreline within community	*13 *10
Maps available for inspection at the Belmar Municipal Building, 8th Avenue and Route 35, Belmar, New Jersey 07719. Send comments to Honorable Francis A. Pyano, Mayor of Belmar, P.O. Box A, Belmar, New Jersey 07719.				
New Jersey	Spring Lake, borough, Monmouth County	Atlantic Ocean	Entire shoreline within community	*13
Maps available for inspection at the Spring Lake Municipal Building, 5th and Warren Avenue, Spring Lake, New Jersey. Send comments to Honorable Harry A. Erbe, Mayor of Spring Lake, P.O. Box 4, Spring Lake, New Jersey 07762.				
New York	Beacon, city, Dutchess County	Hudson River Fishkill Creek	Entire shoreline within corporate limits Upstream corporate limits Factory bridge—downstream side At East Main Street Most downstream dam (upstream side) At confluence with Hudson River	*6 *183 *130 *98 *40 *8
Maps available for inspection at the Office of the Commissioner of Public Works, City Hall, 427 Main Street, Beacon, New York. Send comments to Honorable George Tomlinson, Mayor of the City of Beacon, City Hall, 427 Main Street, Beacon, New York 12508.				
North Dakota	Dodge (city), Dunn County	Spring Creek	Area approximately 200 feet North of the intersection of Central Avenue and Kemper Street.	*1,979
Maps available for inspection at Mayor's Office, City Hall, Main Street, Dodge, North Dakota. Send comments to Honorable Edward Viman, Main Street, Dodge, North Dakota 58625.				
North Dakota	Dunn County (unincorporated areas)	Spring Creek  Alkali Creek	Area approximately 50 feet south of the intersection of State Highway 200 and Burlington Northern Railroad, east of the City of Dodge. Approximately 100 feet downstream of the confluence of North Creek and Spring Creek. South side of State Highway 200 at the crossing of Spring Creek at the North end of Lake I.O. At the intersection of Creek and center of State Highway 200.	*1,970 *2,090 *2,196 *2,072
Maps available for inspection at Dunn County Auditor's office, Manning, North Dakota. Send comments to the Honorable Albert Sickler, Chairman, Dunn County Board of Commissioners, Manning, North Dakota 58642.				
North Dakota	Grand Forks (city), Grand Forks County	English Coulee	At the intersection of Columbia Road and Gateway Drive At the intersection of Royal Drive and Baron Boulevard.	*829 *833
Maps available for inspection at City Engineer's Office, 440 2nd Avenue, North, Grand Forks, North Dakota 58201. Send comments to the Honorable H.C. Weisman, P.O. Box 1518, Grand Forks, North Dakota 58201.				
Ohio	(V) Cleves, Hamilton County	Great Miami River	Within community	*490
Maps available for inspection at the Clerk Treasurer's Office, Municipal Building, 101 North Miami Avenue, Cleves, Ohio. Send comments to Honorable Orrin Tucker, mayor, Village of Cleves, Municipal Building, 101 North Miami Avenue, Cleves, Ohio 45002.				
Ohio	(V) Jamestown, Greene County	Ceasar Creek  South branch, Ceasar Creek	About 0.38 mile downstream of South Charleston Road. About 0.15 mile upstream of South Charleston Road. About 0.42 mile downstream of State Route 72 About 0.27 mile upstream of Chessie System	*1,050 *1,056 *1,043 *1,053
Maps available for inspection at the Mayor's Office, Six East Xenia Street, Jamestown, Ohio. Send comments to Honorable James Collins, Mayor, Village of Jamestown, Six East Xenia Street, Jamestown, Ohio 45335.				
Ohio	(Uninc.) Jefferson County	Ohio River  Yellow Creek  North Fork, yellow Creek  Wills Creek  Cross Creek	About 0.6 mile downstream of confluence of short Creek. At north county boundary At mouth at Ohio River At confluence of North Fork Yellow Creek At confluence with Yellow Creek About 0.6 mile upstream of State Route 213 At mouth at Ohio River About 150 feet downstream of confluence of Cedar Creek. Just upstream of Ross Ridge Alkanna Road (downstream crossing). About 850 feet upstream of upstream crossing of Ross Ridge Alkanna Road. Just upstream of State Route 7 Just upstream of confluence of Dry Fork Just upstream of Mingo Junction Goulds Road (third crossing).	*663 *683 *682 *684 *684 *699 *672 *696 *789 *835 *668 *686 *712

## PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Short Creek	At mouth at Ohio River	*663
			Just downstream of State Route 150 (about 0.9 mile upstream of confluence of Little Short Creek).	*667
			Just upstream of confluence of Jug Run	*718
			Just downstream of Norfolk Southern Railway (upstream of Dillonvale-Longrun Road).	*776
			About 350 feet downstream of county boundary	*864
		Piney Fork	At mouth at Short Creek	*727
			About 1,500 feet upstream of State Route 150	*735

Maps available for inspection at the Regional Planning Commission, Adams & Eighth Street, Steubenville, Ohio.

Send Comments to Honorable Jerry Krupinski, President of the Jefferson County Commissioners, 301 Market Street, Steubenville, Ohio 43952.

Ohio	(V) Terrace Park, Hamilton County	Little Miami River	About 1.1 miles downstream of confluence of East Fork River.	*506
			About 1000 feet downstream of U.S. Route 50	*522

Maps available for inspection at the Terrace Park Municipal Building, 428 Elm Street, Terrace Park, Ohio 45174.

Send comments to Honorable Charles S. Rocket, Mayor, Village of Terrace Park, Terrace Park Municipal Building, 428 Elm Street, Terrace Park, Ohio 45174.

Ohio	(C) Whitehall, Franklin County	Big Walnut Creek	Just upstream of Main Street	*796
			Just downstream of Conrail	*781
		Mason Run	About 0.25 mile downstream of Main Street	*776
			About 0.08 mile upstream of Broad Street	*795

Maps available for inspection at the Service Director's Office, 360 South Yearling Road, Whitehall, Ohio.

Send comments to Honorable John Bishop, Mayor, City of Whitehall, 360 South Yearling Road, Whitehall, Ohio 43213.

Ohio	(Uninc.) Wood County	Maumee River	At City of Rosaford upstream corporate limits	*579
			Just downstream of Ohio Turnpike	*580
			Just upstream of Interstate 475	*563
			About 0.65 mile upstream of Providence Dam	*646
		Portage River	Just upstream of U.S. Route 23	*638
			At confluence of South Branch, Portage River	*863
		Middle branch, Portage River	At confluence of South Branch, Portage River	*663
			About 600 feet downstream of Solether Road	*676
			About 1000 feet downstream of Place Road	*686
		Nothe branch, Portage River	About 1.6 miles downstream of Kohring Road	*646
			Just upstream of State Route 199	*654
			Just upstream of Gypsy Lane Road	*668
			About 700 feet upstream of Portage Road	*676
		East branch Portage River	Just upstream of Eagleville Road	*729
			About 2400 feet upstream of Stearns Road	*753
		Ayers Creek	Just upstream of Fostoria Road	*602
			About 600 feet downstream of Interstate 280	*617
		Cedar Creek	About 600 feet upstream of State Route 579	*600
			About 0.6 mile upstream of Interstate 280	*612
		Little Cedar Creek	At confluence with Cedar Creek	*604
			Just upstream of Interstate 280	*613
			Just downstream of Conrail (near Ayers Road)	*616
			Just upstream of Conrail (near Ayers Road)	*621
		Crane Creek	Just upstream of State Route 51	*610
			About 1500 feet upstream of State Route 51	*611
		Dry Creek	About 400 feet upstream of State Route 579	*605
			About 400 feet downstream of State Route 795	*626
		Grassy Creek	Just upstream of City of Rosaford upstream corporate limits.	*600
			Just downstream of State Route 795	*620
		Rocky Ford Creek	Just upstream of Jerry City Road	*692
			About 1500 feet upstream of Front Street	*701
			Just upstream of Interstate 75	*712
			About 0.5 mile upstream of State Route 18	*726
		Rocky Ford Creek, tributary	At confluence with Rocky Ford Creek	*726
			Just upstream of West Park Road	*727
		Sister Creek	Just downstream of Dam	*628
			Just upstream of Dam	*646
			Just downstream of State Route 235	*648
		Sugar Creek	At mouth at Maumee River	*626
			Just downstream of Dam	*629
			Just upstream of Dam	*646
			About 200 feet downstream of Sugar Creek Road	*653

Maps available for inspection at the Wood County Planning Commission, Courthouse Square, Bowling Green, Ohio.

Send comments to Honorable Norman Millikin, President of the County Commissioners, Wood County, Courthouse Square, Bowling Green, Ohio 43402.

Oregon	The Dalles (city), Wasco County	Mill Creek	Intersection of W. Sixth Street and Stream	*102
			100 feet upstream from center of Wright Drive	*224
		Threemile Creek	25 feet upstream from center of Columbia River Highway.	*114
		Columbia River	At the mouth of Threemile Creek	*97

Maps Available for inspection at Building Department, 313 Court Street, The Dalles, Oregon 97058.

Send comments to the Honorable John Lundell, 313 Court Street, The Dalles, Oregon 97058.

## PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/courty	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Oregon	Veneta (City), Lane County	Long Tom River	90 feet west from center of intersection Territorial Highway and Jeans Road.	*382
Maps available for inspection at City Hall, 24951 McCutcheon, Veneta, Oregon. Send comments to the Honorable J.W. Smigley, P.O. Box 458, Veneta, Oregon 97487.				
Pennsylvania	Blair, township, Blair County	Beaverdam Branch, Juniata River	Confluence with Frankstown Branch Juniata River	*927
			Approximately 850 feet upstream of confluence of Brush Run.	*934
		Frankstown branch, Juniata River	Approximately 950 feet downstream of Park Street (extended).	*954
			At corporate limits located just downstream of U.S. Route 220.	969
			Downstream of Township Route 405	*927
			Upstream of Legislative Route 07012	*933
		Approximately 580 feet upstream of corporate limits	Approximately 2,100 feet upstream of Conrail	*944
			Approximately 2,200 feet downstream of Township Route 373.	*958
		Halter Creek	*977	
		Poplar Run	Confluence with Frankstown Branch Juniata River	*990
Most upstream corporate limits	*1,032			
Brush Run	At confluence with Frankstown Branch Juniata River	*965		
	Upstream of U.S. Route 220	*1,030		
	At upstream corporate limits	*1,044		
	Upstream of U.S. Route 22	*936		
	Downstream of Scotch Valley Road	*942		
Maps available for inspection at the Blair Township Building, Duncansville, Pennsylvania. Send comments to Honorable Tom Kwapick, Chairman of the Blair Township Board of Supervisors, 645 Appleview Lane, Duncansville, Pennsylvania 16835.				
Pennsylvania	Buffalo, township, Butler County	Little Bull Creek	Downstream corporate limits	*1,046
			Upstream Hranica Road bridge	*1,064
			1,480 feet upstream Hranica Road bridge	*1,072
Maps available for inspection at the Buffalo Township Building, 19 Bear Creek Road, Sarver, Pennsylvania. Send comments to Honorable Cecil D. Furer, Chairman of the Buffalo Township Board of Supervisors, P.O. Box 146, Sarver, Pennsylvania 16055.				
Pennsylvania	Chester, township, Delaware County	Chester Creek	At downstream corporate limits	*28
			At upstream corporate limits	*41
Maps available for inspection at the Chester Township Building, 1150 Mildred Avenue, Chester, Pennsylvania. Send comments to Honorable Stanley R. Kesler, Chairman of the Chester Board of Supervisors, 1150 Engle Street, Chester, Pennsylvania 19013.				
Pennsylvania	East Brandywine, township Chester County	Beaver Creek	Downstream corporate limits	*355
			Upstream of Bondsville Road	*425
			Upstream of Hadfield Road (2d crossing)	*451
			Upstream of East Reesville Road	*479
			Upstream corporate limits	*483
		East branch of Brandywine Creek	Downstream corporate limits	*252
			Upstream of Dowlin Forge Road	*269
			Upstream of Dorlans Mill Road	*284
			Upstream of Reeds Road	*306
			Upstream of Lyndell	*329
		Upstream corporate limits	*343	
Maps available for inspection at the East Brandywine Municipal Building, 1214 Horseshoe Pike, Downingtown, Pennsylvania. Send comments to Honorable Charles Bruton, Chairman of the East Brandywine Board of Supervisors, 1214 Horseshoe Pike, Downingtown, Pennsylvania 19325.				
Pennsylvania	East Nantmeal, township, Chester County	Beaver Run	Approximately 450 feet downstream of Fairview Road	*377
			Upstream of Fairview Road	*365
			Approximately 220' downstream of Horseshoe Trail	*437
Maps available for inspection at the Township Building, Elverson, Pennsylvania. Send comments to Honorable Nicholas Tkaczuk, Chairman of the Board of Supervisors, R.D. 2, Elverson, Pennsylvania 19043.				
Pennsylvania	Fawn, township, Allegheny County	Bull Creek	Downstream corporate limits	*766
			Upstream side of Bull Creek Road bridge (Allegheny bridge No. 2)	*804
			Upstream side of Bull Creek Road bridge located approximately 0.3 mile upstream of confluence of Howes Run.	*823
			Upstream side of Lardintown Road bridge	*839
			Upstream side of most upstream Thompson Road bridge.	*885
		Tributary to Bull Creek	Upstream corporate limits	*895
			Confluence with Bull Creek	*843
	Upstream side of Bull Creek Road bridge	*852		
	Upstream corporate limits	*992		
Maps available at the Fawn Township Building, Howes Run Road, Tarentum, Pennsylvania. Send comments to Honorable Michael Chick, Chairman of the Fawn Board of Supervisors, R.D. 2, Box 365C, Tarentum, Pennsylvania 15084.				
Pennsylvania	Langhorne Manor, borough, Bucks County	Chub Run	Downstream corporate limits	*82
			Upstream of Dam No. 1	*117

## PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Downstream of Dam No. 2 Upstream corporate limits	*162 *198
Maps available for inspection at the Borough Building, Langhorne Manor, Pennsylvania. Send comments to Honorable Paul Cichy, President of Langhorne Manor Borough Council, 301 Prospect Avenue, Langhorne Manor, Pennsylvania 19047.				
Pennsylvania	Newry, borough, Blair County	Poplar Run	Corporate limits (extended) Approximately 530' upstream of corporate limits (extended).	*1,019 *1,003
Maps available for inspection at the Borough Building, Newry, Pennsylvania. Send comments to Honorable Marjorie Harker, President of the Newry Borough Council, Newry, Pennsylvania 16665.				
Pennsylvania	Upper St. Clair, town, Allegheny County	Chartiers Creek  McLaughlin Run	.12 miles upstream of corporate limits Upstream of Mayview Road Downstream of Conrail Upstream corporate limits At downstream corporate limits At downstream footbridge Upstream of Dirt Road Upstream of Lesnett Road Upstream of Morrow Road Downstream of Washington Road Downstream of Bethel Church Road/Drake Road Upstream corporate limits	*834 *840 *853 *858 *843 *862 *883 *905 *927 *967 *998 *1,012
Maps available for inspection at the Upper St. Clair Township Municipal Building, 1820 McLaughlin Run Road, Upper St. Clair, Pennsylvania. Send comments to Honorable Douglas Watkins, Upper St. Clair Township Manager, 1820 McLaughlin Run Road, Upper St. Clair, Pennsylvania 15241.				
Pennsylvania	West Marlborough, Township, Chester County	Doe Run	Downstream corporate limits Upstream State Route 62 Upstream Spring Dall-Doe Run Road Upstream corporate limits	*264 *208 *320 *339
Maps available for inspection at the West Marlborough Township Building, Route 82, Coatesville, Pennsylvania. Send comments to Honorable Landis Hess, Chairman of the West Marlborough Board of Supervisors, R.D. 8, Box 400, Coatesville, Pennsylvania 19320.				
South Carolina	City of Charleston, Charleston County	Atlantic Ocean/Stono River  Atlantic Ocean/Ashley River  Atlantic Ocean/Charleston Harbor	Intersection of Kenaington Drive and Hollywood Drive At the confluence of Julia Water Way and Stono River Intersection of Burning Tree Road and Joseph Street At the confluence of Orange Grove Creek and Ashley River Intersection of Church Street and South Battery Street	*10 *11 *12 *13 *14
Maps available for inspection at Director of Public Services Office, 116 Meeting Street, Charleston, South Carolina 29401. Send comments to Mayor Joseph P. Riley, Jr., City Hall, P.O. Box 652, Charleston, South Carolina 29402 or Mr. Mario Ciappa, Director of Public Services, 116 Meeting Street, Charleston, South Carolina 29401.				
South Carolina	Township of Folly Beach, Charleston County	Atlantic Ocean	Intersection of Center Street and Cooper Avenue Intersection of Ashley Avenue East and 13th Street East	*13 *14
Maps available for inspection at Town Hall, 17 Center Street, Folly Beach, South Carolina 29439. Send comments to Mayor Richard Beck or Mr. Bill Griffin, Town Administrator, Town Hall, P.O. Box 22, Folly Beach, South Carolina 29439.				
South Carolina	Town of Meggett, Charleston County	Atlantic Ocean	Approximately 500 feet south of intersection of Seaboard Coastline Railroad and County Road 1846 along County Road 1846. Approximately 100 feet east of intersection of Donaldson Street and Church Street along Donaldson Street	*9 *8
Maps available for inspection at Mayor's Office, Masonic Hall, Meggett, South Carolina 29460. Send comments to Mayor Grange Coffin, Route 1, P.O. Box 34A, or Mr. Harry Harrington, Meggett Town Councilman, Route 1, Meggett, South Carolina 29460.				
South Carolina	Town of Mount Pleasant, Charleston County	Atlantic Ocean/Charleston Harbor	Intersection of Beach Street and Haddrell Street Venning Street extended to Charleston Harbor Intersection of Bank Street and Pitt Street Intersection of Center Street and Hindman Avenue Intersection of Coleman Boulevard and Intersection of Highway 17	*17 *15 *12 *12 *11
Maps available for inspection at the Town Hall, 302 Pitt Street, Mount Pleasant, South Carolina 29464. Send comments to Mayor John J. Dodds or Joel Ford, Town Planner, Town Hall, 302 Pitt Street, Mount Pleasant, South Carolina 29464.				
Tennessee	City of Gatinsburg, Sevier County	West prong, Little Pigeon River  Dudley Creek  Roaring Fork Creek  Baskins Creek  Le Conte Creek	Just upstream of Old Treatment Plant Road Just downstream of Laurel Avenue Just upstream of Long Branch Road Just upstream of Dudley Creek Road Just downstream of State Highway 73 Just upstream of Grimes Road (extended) Just upstream of U.S. Highway 441 Just downstream of State Highway 73 Just downstream of Bishop Lane Just upstream of Stephen Drive Just upstream of State Highway 73 and U.S. Highway 441	1,239 *1,260 *1,323 *1,256 *1,329 *1,504 *1,272 *1,364 *1,310 *1,348 *1,339

## PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 100 feet upstream of Ashbury Lane	*1,499
Maps available for inspection at City Planners Office, City Hall, 175 Airport Road, Gatlinburg, Tennessee 37738.				
Send comments to Mr. Joe Yarbrough, City Manager, or Mr. Cliff Ogle, Fire Chief, City Hall, P.O. Box 5, Gatlinburg, Tennessee 37738.				
Texas	City of Little River-Academy, Bell County	Boggy Creek	Just upstream of FM 436	*454
		Boggy Creek, tributary 1	Just upstream of Texas Highway 95	*483
			Just upstream of Wilson Valley Road	*477
Maps available for inspection at City Hall, Main and Evan Streets, Little River-Academy, Texas 76554.				
Send comments to Mayor R. Norell or Marilyn Moore, City Secretary, City Hall, P.O. Box 521, Little River, Texas 76554.				
West Virginia	Logan County	Guyandotte River	Downstream County boundary	*627
			Downstream County Route 8	*648
			Upstream County Route 12	*658
			Upstream County Route 10-18	*682
			Upstream County Route 10-4	*711
			At upstream corporate limits of the Town of Man	*732
			At upstream County boundary	*759
		Crawley Creek	At confluence with Guyandotte River	*635
			Upstream County Route 3-9	*639
			Upstream County Route 3	*663
			Approximately 250' downstream of confluence of Brushy Fork	*692
		Mud Fork	Confluence with Copperas Mine Fork	*675
			Upstream of third upstream Chessie System bridge	*692
			Confluence of Ellis Branch	*711
			Upstream of fourth upstream Chessie System bridge	*753
			Upstream County Route 41	*772
			Upstream of fifth upstream Chessie System bridge	*804
			Upstream of second upstream County Route 5 bridge	*830
			Downstream of confluence of Right Hand Branch	*863
			Downstream of confluence of Brush Camp Fork	*910
		Copperas Mine Fork	Confluence with Island Creek	*675
			Upstream County Route 9-1	*698
			Upstream of third upstream Chessie System bridge	*727
			Upstream of abandoned railroad bridge	*745
			Upstream County Route 9-2	*784
			Upstream of third upstream County Route 9-2	*802
			Approximately .33 mile upstream of fourth upstream County Route 9-2	*828
		Big Creek	Confluence of Hainer Branch	*772
			Approximately .47 mile upstream of confluence of Hainer Branch	*801
		Trace Fork	Confluence with Big Creek	*646
			Upstream State Route 119	*856
			Approximately 200 feet upstream of upstream County Boundary	*870
		North Fork Big Creek	Confluence with Big Creek	*640
			Confluence of Chapman Branch	*702
			At upstream county boundary	*729
		Buffalo Creek	At downstream corporate limits	*757
			Upstream County Route 16-9	*804
			Upstream 2nd upstream County Route 16	*843
			At 1st upstream Access Road	*879
			Confluence of Robinette Branch	*942
			Upstream 4th upstream Access Road	*977
			Confluence of Cartwright Branch	*1,026
			Upstream County Route 69	*1,063
			Confluence of Upper Road Branch	*1,138
			Approximately 3,550 feet upstream of confluence of Upper Road Branch	*1,163
		Right Fork Buffalo Creek	Confluence with Buffalo Creek	*830
			Approximately .55 mile upstream of confluence with Buffalo Creek	*865
			Upstream County Route 16-1	*901
			Approximately .44 mile upstream of County Route 16-1	*940
			Approximately .95 mile upstream of County Route 16-1	*987
			Approximately 1.25 miles upstream of County Route 16-1	*1,014
		Island Creek	Confluence with Guyandotte	*661
			Upstream County Route 119-9	*688
			Upstream County Route 52	*714
			Upstream of third upstream State Route 44	*737
			Upstream of fourth upstream State Route 44	*760
			Upstream County Route 119-18	*772
			Upstream of second upstream County Route 119-18	*794
			Upstream of fifth upstream Chessie System	*815
			Confluence of Cow Creek	*842
			Approximately .29 mile upstream of confluence of Cow Creek	*851
		Big Harts Creek	Downstream County boundary	*640
			Downstream County Route 5-8	*666
			Downstream County Route 18	*691
			At County Route 5-7	*727
			Approximately .60 mile upstream of County Route 5-7	*762
			Confluence of Briar Branch	*807

## PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 260 feet upstream of Tomblin Branch confluence.	*824
		Big Creek	Approximately .52 mile upstream of Tomblin Branch confluence.	*671
			Confluence with Guyandotte River	*630
			At County Route 4	*650
			At second upstream County Route 7	*672
			Upstream County Route 88	*702
		Huff Creek	Confluence of Rock Lick Branch	*734
			Confluence with Guyandotte River	*733
			Confluence of Green Branch	*750
			Upstream County Route 10	*784
			Upstream County Route 10-6	*819
			Confluence of Dolliver Branch	*836
			Confluence of Sandlick Branch	*873
			Confluence of Hollow Log Branch	*905
			Upstream of third upstream Access Road	*940
			At upstream County boundary	*974
		Big Springs Branch	Confluence with Huff Creek	*791
			Approximately .33 mile upstream of confluence with Huff Creek	*832
			Approximately .63 mile upstream of confluence with Huff Creek	*877
Maps available for inspection at the County Courthouse, Logan, West Virginia.				
Send comments to Honorable Ott H. Dameron, Logan County Administrator, Room 103, County Courthouse, Logan, West Virginia 25601.				
West Virginia	Triadelphia, town, Ohio County	Little Wheeling Creek	Downstream corporate limits	*703
			Upstream of Middle Wheeling Creek Road	*717
			Upstream of U.S. Route 40 (downstream crossing)	*756
		Middle Wheeling Creek	Upstream corporate limits	*782
			Confluence with Little Wheeling Creek	*712
			At Interstate Route 70	*714
			Upstream corporate limits	*758
Maps available for inspection at the Triadelphia Town Hall, Triadelphia, West Virginia.				
Send comments to Honorable Daniel Robinson, Mayor of the Town of Triadelphia, P.O. Box 177, Triadelphia, West Virginia 26059.				
West Virginia	Williamson, city, Mingo County	Tug Fork	Downstream corporate limits	*664
			Upstream U.S. Route 119 bridge	*666
			Upstream Norfolk & Western Railway bridge*	671
			Upstream corporate limits	*674
Maps available for inspection at the City Hall (old Amtrak Building), Route 52, Williamson, West Virginia.				
Send comments to Honorable Sam Capourales, Mayor of the City of Williamson, Box 1517, Williamson, West Virginia 25661.				
Wisconsin	(C) Eau Claire	Chippewa River	About 1.0 mile downstream of Short Street	*774
			Just downstream of Delts Dam	*788
			Just upstream of Delts Dam	*798
			Upstream corporate limits	*808
		Sherman Creek	At mouth	*778
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad about 2400 feet upstream from mouth	*778
			About 1.28 miles upstream from mouth	*807
			About 0.95 mile downstream of U.S. Highway 12	*866
			Upstream corporate limits near U.S. Highway 12	*891
		Eau Clair River	At mouth	*784
			About 2300 feet upstream from mouth	*784
			Eastern corporate limits	*793
		Chippewa River Overflow	Downstream corporate limits	*774
			About 200 feet downstream of Ferry Street	*775
Maps available for inspection at the City Engineer's Office, City Hall, 203 S. Farwell, Eau Claire, Wisconsin.				
Send comments to Honorable Eric Wahl, City Council President, City of Eau Claire, City Hall P.O. Box 146, 203 S. Farwell Eau Claire, Wisconsin 54701.				
Wisconsin	(C) Evansville, Rock County	Allen Creek	About 1.0 mile downstream of Water Street	*881
			Just downstream of Lake Leota Dam	*903
			Just upstream of Lake Leota Dam	*909
			About 2000 feet upstream Lake Leota	*910
Maps available for inspection at the City Hall, 31 South Madison Street, Evansville, Wisconsin.				
Send comments to Honorable Robert M. Olsen, Mayor, City of Evansville, City Hall, 31 South Madison Street, Evansville, Wisconsin 53536.				
Wisconsin	(C) Gillett, Oconto County	Christie Brook	About 0.72 mile downstream of North Green Bay Avenue	*785
			About 0.56 mile upstream of Mackenzie Avenue	*804
Maps available for inspection at the Building Inspector's Office, City Hall, Gillett, Wisconsin.				
Send comments to Honorable Ronald K. Lambrecht, Mayor, City of Gillett, City Hall, Gillett, Wisconsin 54124.				
Wisconsin	(V) Lac LaBelle, Waushara County	Lac LaBelle	At shoreline	*854
Maps available for inspection at the Clerk's Office, Village Hall, 850 Summit Avenue, Lac LaBelle, Wisconsin.				
Send comments to Honorable Joseph Lakota, Village President, Village of Lac LaBelle, Village Hall, P.O. Box 443, Lac La Belle (Oconomowoc), Wisconsin 53066.				
Wisconsin	(V) Osceola, Polk County	St. Croix River	About 1.7 miles downstream of State Highway 243	*702
			About 1.2 miles upstream of State Highway 243	*704

## PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Whiting, Portage County	Wisconsin River	Just downstream of Whiting-Plover Dam Just upstream of Whiting-Plover Dam Just upstream of Wisconsin River Division Dam About 1.0 mile upstream of Wisconsin River Division Dam	*1,047 *1,054 *1,069 *1,071

Maps available for inspection at the Village Administrator's Office, Municipal Building, Osceola, Wisconsin 54020.

Send comments to Honorable Byron Blanchard, Village President, Village of Osceola, Municipal Building, P.O. Box 252, Osceola, Wisconsin 54020.

Maps available for inspection at City Hall, 3800 Church Street, Whiting, Wisconsin.

Send comments to Honorable Thomas Hagen, Village President, Village of Whiting, City Hall, 3800 Church Street, Whiting, Wisconsin 54051.

[National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17604, 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: May 11, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-14280 Filed 6-1-83; 8:45 am]

BILLING CODE 6718-03-M

## DEPARTMENT OF TRANSPORTATION

## National Highway Traffic Safety Administration

## 49 CFR Part 571

## Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking submitted by the California Department of Transportation asking NHTSA to issue a regulation governing devices to restrain wheelchairs in mass transit vehicles. The agency concludes for the reasons set forth below that these additional safety measures are not needed at this time.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Williams, Crashworthiness Division, National Highway Traffic Safety Administration 400 7th Street, S.W., Washington, D.C. 20590 (202-426-2264)

SUPPLEMENTARY INFORMATION: On November 9, 1982, the California Department of Transportation petitioned the agency to create a safety standard

governing tie-downs or restraints for wheelchairs in public transit vehicles. In that petition, they argued that current restraint devices permit wheelchairs to come loose in accidents and, therefore, are not effective in protecting the occupants of those chairs.

The agency has reviewed this subject and does not find it an appropriate area to regulate at this time. Currently, the agency lacks information indicating that wheelchair occupants are being injured by the inadvertent release of existing wheelchair restraint devices. This lack of injury information, while not in itself determinative, must be viewed in light of the relative safety provided by buses. These vehicles because of their substantial size achieve a higher level of safety than other vehicles on the roads. For this reason, the agency has issued only limited safety standards applicable to this vehicle type. Absent the submission of additional information indicating that unjuries are being sustained by wheelchair occupants, NHTSA concludes that given the safety record of buses rulemaking is not justified at this time.

The agency agrees that the issue of safe transportation for the handicapped is important and will continue to monitor accident information involving buses and wheelchair restraints in those buses and will reconsider rulemaking in this area should the information indicate a need for regulatory action.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C.) 1391, 1407); delegation of authority at 49 CFR 1.50)

Issued on May 26, 1983.

Diane K. Steed,

Acting Administrator.

[FR Doc. 83-14614 Filed 6-1-83; 6:45 am]

BILLING CODE 4910-59-M

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

## 50 CFR Part 674

[Docket No. 30510-81]

## High Seas Salmon Fishery Off Alaska

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues a proposed rule to rescind the present prohibition against the use of treble hooks by commercial salmon trollers fishing in the fishery conservation zone off Alaska; comments are requested on this rule and the amendment. This action is necessary to bring Federal and State regulations into conformity and make Federal regulations more easily enforceable. The intended effect of this action is to provide for an orderly fishery and to remove an unnecessary regulatory burden from salmon trollers in Alaska. DATE: Comments must be received on or before July 5, 1983.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service (NMFS), P.O. Box 1668, Juneau, Alaska 99802. A copy of the amendment and environmental assessment may be obtained from Mr. McVey.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Regional Plan Coordinator, NMFS), 907-588-7229.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan (FMP) for the High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude was published in its entirety on June 8, 1979 (44 FR 33250). The FMP has been amended twice. Amendments 1 and 2 were implemented on September 8, 1980 (45 FR 59172) and November 23, 1981 (46 FR 57299), respectively.

The prohibition against the use of treble hooks was established in 1981 for two reasons. First, there was concern that fishermen using arguably more efficient treble hooks might catch and release a greater number of sublegal chinook salmon than those using single hooks, thus increasing the incidence of hook and release mortalities. Second, the prohibition was imposed to avoid conflicting regulations in Federal and State waters and the resulting enforcement difficulties in both areas. In 1981 the North Pacific Fishery Management Council (Council) and the State of Alaska Board of Fisheries (Board) reviewed the results of an Alaska Department of Fish and Game study that compared the hooking efficiency of treble hooks versus single hooks and the relative severity of hooking wounds associated with each hook type. The study was largely inconclusive, but did suggest that treble hooks have slightly greater hooking efficiency than single hooks. It also appeared that the wounds associated with treble hooks were usually less severe than those caused by single hooks. Based on this study, the Council concluded that the greater hooking efficiency of treble hooks might result in a greater catch, handling, and associated mortality of sublegal chinook salmon as they were returned to the water. Consequently, the Council (with the Secretary's approval) and Board banned the use of treble hooks in both Federal and State waters. The Council further concluded that conformity with State regulation was essential to avoid confusion and enforcement conflicts. This prohibition was not incorporated into the FMP itself, but was promulgated concurrently with the regulations implementing Amendment 2 to the FMP.

The Council and Board again reviewed the treble hook issue at the January 1983 joint meeting. No scientific data had been developed demonstrating that prohibiting the use of treble hooks resulted in any measurable biological

benefits. The majority of public testimony emphasized that the ban lacked scientific justification and that it imposed an unjustified regulatory burden on those fishermen who traditionally used treble hooks. The Board removed the ban in State waters. Due to the lack of conclusive scientific evidence supporting retention of the ban and the desire for conformity between State and Federal regulations, the Council reversed its previous decision and recommended rescinding the treble hook ban in the fishery conservation zone. Because the treble hook ban was never actually incorporated into the FMP, removal of the ban does not necessitate an FMP amendment but can be accomplished by the rulemaking.

#### Classification

The Assistant Administrator of Fisheries, NOAA (Assistant Administrator), has determined that implementation of these regulations would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act. An environmental assessment and negative determination of significant environmental impact has been prepared on this proposed action, and filed with the Environmental Protection Agency on April 12, 1983. The environmental assessment may be obtained from the Alaska Regional Director, NMFS, at the address set forth above.

Rescission of the prohibition on the use of treble hooks imposes no new regulatory or economic burdens on salmon trollers. On the contrary, this action would remove an unnecessary regulatory burden and allow salmon trollers to choose whichever hook type they prefer. On the basis of the environmental assessment, the Administrator of NOAA has determined that the proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291.

On the same basis, the general Counsel of Commerce certified to the Small Business Administration that this proposed rule would not have a significant economic impact on a substantial number of small entities, and thus does not require preparation of a regulatory flexibility analysis under 5 U.S.C. 603 and 604 of the Regulatory Flexibility Act.

The Assistant Administrator has determined that this proposed rule is consistent to the maximum extent practicable with the Alaska Coastal Management Program as required by § 307(c)(1) of the Coastal Zone Management Act of 1982 and its implementing regulations at 15 CFR Part 930, Subpart C. The proposed rule will not affect any species listed as endangered or threatened under the Endangered Species Act.

This proposed rule does not contain a collection of information requirement, and does not involve any agency in conduction or sponsoring the collection of information.

#### List of Subjects in 50 CFR Part 674

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting requirements.

Dated: May 26, 1983.

Carmen J. Blondin,

*Acting Deputy Assistant Administrator for Fisheries Resource Management, National Marine Fisheries Service.*

#### PART 674—HIGH SEAS SALMON FISHERY OFF ALASKA

For the reasons set out in the preamble, 50 CFR Part 674 is proposed to be amended as follows:

1. The authority citation for Part 674 reads as follows:

Authority: 16 U.S.C. 1801 *et seq.*

#### § 674.24 [Amended]

2. Section 674.24 is amended by removing paragraph (a)(4).

[FR Doc. 83-14725 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-22-M

# Notices

Federal Register

Vol. 48, No. 107

Thursday, June 2, 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.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Committee on Administration; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Administration of the Administrative Conference of the United States, to be held at 10:00 a.m., Thursday, June 9, 1983 at the Administrative Conference, 2120 L Street, N.W., Suite 500, Washington, D.C. 20037.

The Committee will meet primarily to discuss pending and possible projects on its agenda, including Professor George D. Brown's study on procedures for administering federal block grant programs.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information contact Charles Pou, Jr., Office of the Chairman, Administrative Conference of the United States, 2120 L Street, N.W., Suite 500, Washington, D.C. (Telephone: 202-254-7065) Minutes of the meeting will be available on request.

Richard K. Berg,  
General Counsel.

May 27, 1983.

[FR Doc. 83-14724 Filed 6-1-83; 8:45 am]

BILLING CODE 6110-01-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Montana; Flathead National Forest Plan Draft Environmental Impact Statement

**AGENCY:** Forest Service, USDA.

**ACTION:** Extension of public review period for the Flathead National Forest Plan Draft Environmental Impact Statement.

**SUMMARY:** The period of public review for the Flathead National Forest Draft Environmental Impact Statement has been extended until July 20, 1983.

**ADDRESSES:** Requests for further information should be addressed to: John Emerson, Supervisor, Flathead National Forest, P.O. Box 147, Kalispell, MT 59901.

Tom Coston,  
Regional Forester.

[FR Doc. 83-14774 Filed 6-1-83; 8:45 am]

BILLING CODE 3410-11-M

### Office of the Secretary

#### Forms Under Review by Office of Management and Budget

May 27, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained

from: Marshall L. Dantzer, Acting Department Clearance Officer, USDA, OIRM, Room 108-W Admin. Bldg. Washington, D.C. 20250, (202) 447-6201.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, ATTN: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Desk Officer of your intent as early as possible.

### New

• Food and Nutrition Service Evaluation of the Simplified Application Demonstration Project

#### Monthly

Individuals or households and State or local governments: 25,518 responses; 6,687 hours; not applicable under 3504(h)

Sharon Bingham (703) 756-3133

### Revised

• Agricultural Stabilization and Conservation Service

ASCS-177—Record of Pooled Farm Allotment, Quota on Acreage Base—ASCS-178—Application for Transfer of Allotments, Quota or Acreage Base From Pool ASCS-177 and ASCS-178

#### On occasion

Individuals or households and farms: 60,000 responses; 30,000 hours; not applicable under 3504(h)

Alex King (202) 447-4542

• Agricultural Stabilization and Conservation Service

Report of Unmarketed Tobacco MQ-106-1

#### Annually

Farms: 300,000 responses; 20,000 hours; not applicable under 3504(h)

Thomas Burgess (202) 447-2715

• Agricultural Marketing Service Application for License to Sample Cotton Under the U.S. Cotton Standards Act CN-246

License issued every 5 years.

Small businesses or organizations: 200 responses; 17 hours; not applicable under 3504(h)

Loyd Frazier (202) 447-2147

### Extension

• Agricultural Stabilization and Conservation Service

7 CFR Part 729—Poundage Quota and Marketing Regulations for the 1983 Through 1985 Crops of Peanuts  
ASCS-1002, ASCS-1030, ASCS-1010, ASCS-1011, ASCS-101, ASCS-1008, ASCS-1007

On occasion annually

Farms: 879,525 responses; 229,456 hours; not applicable under 3504(h)

Paul Kume (202) 382-0153

Marshall L. Dantzer,

*Acting Department Clearance Officer.*

[FR Doc. 83-14723 Filed 6-1-83; 8:45 am]

BILLING CODE 3410-01-M

## COMMISSION ON CIVIL RIGHTS

### Alabama Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Alabama Advisory Committee to the Commission will convene at 10:00 and will end at 12 Noon, on June 21, 1983, at the Sheraton-Waterfront, 200 Coosa Street, Seaboard Room, Montgomery, Alabama 36104. The purposes of this meeting are to review status of Committee project on Montgomery police/community relations; update on regional and national projects; and show Commission film "Cycle to Nowhere."

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Abigail Turner, P.O. Box 2963, Mobile, Alabama 36601, (205) 433-7409; or the Southern Regional Office, Citizens Trust Bank Building, 75 Piedmont Avenue, N.E., Room 362, Atlanta, Georgia 30303, (404) 242-4391.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1983.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 83-14728 Filed 6-1-83; 8:45 am]

BILLING CODE 6335-01-M

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Richard Brown, 151 Farmington Avenue, Hartford, Connecticut 06156, (203) 273-6389; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated Washington, D.C., May 27, 1983.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 83-14730 Filed 6-1-83; 8:45 am]

BILLING CODE 6335-01-M

### Montana Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Montana Advisory Committee to the Commission will convene to 9:00a and will end at 12 Noon, on June 25, 1983, at the Ramada Inn, I-90 and Mallowney Lane, Billings, Montana 59102. The purposes of this meeting are to consider recent developments in civil rights in Montana; and explore possible projects for the Advisory Committee.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Ms. Angela V. Russell, Box 333, Lodge Grass, Montana 59405, (406) 638-2626; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202 (303) 327-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 27, 1983.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 83-14727 Filed 6-1-83; 8:45 am]

BILLING CODE 6335-01-M

### New Hampshire Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Hampshire Advisory Committee to the Commission will convene at 7:30p and end at 9:30p, on July 13, 1983, at the Chubb Life Insurance Building, 1 Granite Place, Concord, New Hampshire. The purpose of this meeting is to initiate the study on the block grant program.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Andrew T. Stewart, Moose Mountain, Enfield, New Hampshire 03748, (603) 523-4882; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 27, 1983.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 83-14731 Filed 6-1-83; 8:45 am]

BILLING CODE 6335-01-M

### New Jersey Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene to 6:30p and will end at 8:30p, on June 23, 1983, at the Ramada Inn, Naricon Avenue, East Brunswick, New Jersey. The purpose of this meeting is to discuss program planning for the coming year.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde C. Allen, 620 Sheridan Avenue, Plainfield, New Jersey 07060, (212) 572-7577; or the Eastern Regional Office, Jacob K. Javits Building, Room 1639, 26 Federal Plaza, New York, New York 10278, (212) 264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 27, 1983.

John I. Binkley,

*Advisory Committee Management Officer.*

[FR Doc. 83-14726 Filed 6-1-83; 8:45 am]

BILLING CODE 6335-01-M

### Ohio Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Ohio Advisory Committee to the Commission will convene at 6:00p and will end at 10:00p, on June 21, 1983, at the Gallon Building, 3161 N. Republic Boulevard, Toledo, Ohio 43615. The purpose of this meeting is to develop and make assignments for data gathering on the Hispanic education/employment project.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Marian A. Spencer, 940 Lexington Avenue, Cincinnati, Ohio 45229, (513) 221-5656; or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353-7371.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D. C., May 27, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-14733 Filed 6-1-83; 8:45 am]

BILLING CODE 6335-01-M

### Vermont Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on June 16, 1983, at the Montpelier City Hall, Memorial Room, Main Street, Montpelier, Vermont 05602. The purpose of this meeting is to review the project plan for studying the civil rights implications of Federal block grants in Vermont.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Philip H. Hoff, 192 College Street, Hoff, Wilson, & Powell, P.C., Burlington, Vermont 05401, (802) 658-4300; or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts 02110, (617) 223-4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D. C., May 27, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-14732 Filed 6-1-83; 8:45 am]

BILLING CODE 6335-01-M

### Wyoming Advisory Committee; Agenda and Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Wyoming Advisory Committee to the Commission will convene at 9:00a and will end at 12 Noon, on July 23, 1983, at the Casper Public Library, 302 East Second Street, Casper, Wyoming 82601. The purposes of this meeting are to review the draft of *Accessibility for the Disabled to*

*Wyoming's Higher Education*; and consider possible future projects.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mrs. Jamie C. Ring, 520 Parkview Drive, Casper, Wyoming 82601, (307) 268-2269; or the Rocky Mountain Regional Office, Brooks Towers, 1020 Fifteenth Street, Suite 2235, Denver, Colorado 80202, (303) 327-2211.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated: At Washington, D.C. May 27, 1983.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 83-14729 Filed 6-1-83; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### International Trade Administration Preliminary Determinations of Sales at Less Than Fair Value

#### Certain Carton Closing Staples and Staple Machines From Sweden;

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice of Preliminary Determinations of Sales at Less than Fair Value: Certain Carton Closing Staples and Staple Machines from Sweden.

**SUMMARY:** We have preliminarily determined that certain carton closing staples and staple machines from Sweden are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determinations, and we have directed the U.S. Customs Service to suspend the liquidation of all entries of the subject merchandise which are entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice and to require a cash deposit or bond for each such entry in an amount equal to the estimated dumping margins as described in the "Suspension of Liquidation" section of this notice.

We have also preliminarily determined that imports of certain carton closing staples from Grytgols Bruks AB should be excluded from these preliminary determinations because we found no sales at less than fair value.

If these investigations proceed normally, we will make final determinations by August 9, 1983.

**EFFECTIVE DATE:** June 2, 1983.

### FOR FURTHER INFORMATION CONTACT:

G. Leon McNeill, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 377-1273.

### SUPPLEMENTARY INFORMATION:

#### Preliminary Determinations

We have preliminarily determined that there is a reasonable basis to believe or suspect that certain carton closing staples and staple machines from Sweden are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act).

We have also preliminarily determined that imports of certain carton closing staples from Grytgols Bruks AB (Grytgols) should be excluded from these preliminary determinations because we found no sales by Grytgols at less than fair value.

For certain carton closing staples, we have found that the foreign market value exceeded the United States price on 80.86 percent of sales. These margins ranged from 0.00 percent to 47.90 percent. The overall weighted-average margin on all sales compared is 8.71 percent.

For certain carton closing staples machines, we have found that the foreign market value exceeded the United price on over 99.00 percent of sales. These margins ranged from 81.10 percent to 213.70 percent. The overall weighted-average margin on all sales compared is 138.20 percent.

The weighted-average margins for individual companies investigated are given for each product in the "Suspension of Liquidation" section of this notice.

If these investigations proceed normally, we will make final determinations by August 9, 1983.

#### Case History

On December 17, 1982, we received a petition from counsel for International Staple and Machine Company, Inc. of Butler, Pennsylvania, on behalf of the domestic carton closing staple and staple machine industry. In accordance with the filing requirements of § 353.36 of the Commerce Department Regulations (19 CFR 353.36), the petitioner alleged that certain carton closing staples and staple machines from Sweden are being, or are likely to be, sold in the United States at less than fair value within the meaning of section

731 of the Act, and that these imports are materially injuring, or are threatening to materially injure, a U.S. industry.

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate antidumping investigations. We notified the ITC of our actions and initiated such investigations on January 6, 1983 (48 FR 1530). On January 31, 1983, the ITC found that there is a reasonable indication that imports of certain carton closing staples and staple machines are materially injuring, or are threatening to materially injure, a U.S. industry (48 FR 6039).

Questionnaires were presented to Josef Kihlberg Trading AB (Kihlberg) on February 9, 1983, and to Grytgols on February 10, 1983. Responses were received on March 22, 1983 from Grytgols, and on April 12, 1983 from Kihlberg.

#### Scope of Investigations

The merchandise covered by these investigations is certain carton closing staples in strip form and non-automatic carton closing staple machines. Carton closing staples are made of steel, most often copper coated or galvanized. Non-automatic carton closing staple machines can be divided for the most part into two categories: handheld top staple machines and free standing bottom staple machines. The subject staples and staple machines are currently classifiable under item 646.2000 and item 862.2065, respectively, of the *Tariff Schedules of the United States Annotated (TSUSA)*.

Since Kihlberg and Grytgols are the only known Swedish exporters of certain carton closing staples to the United States, and Kihlberg is the only known Swedish exporter of certain carton closing staple machines to the United States, we limited our investigations to them.

These investigations cover the period from July 1, 1982, to December 31, 1982.

#### Fair Value Comparison

To determine whether sales of the subject merchandise in the United States were made at less than fair value, we compared the United States price with the foreign market value.

#### United States Price

As provided in section 772 of the Act, we used the purchase price of the subject merchandise to represent the United States price for sales by Kihlberg and Grytgols because merchandise was sold to unrelated purchasers prior to its importation into the United States. For Kihlberg, we calculated purchase price

based on the f.o.b., port of exportation, unpacked price to unrelated purchasers in the United States. We made a deduction for the cost of foreign inland freight and added U.S. packing costs. For Grytgols, we calculated purchase price based on the c.i.f., U.S. port, packed price to unrelated purchasers in the United States. We made a deduction for the costs of foreign inland freight, foreign terminal charges, ocean freight and insurance.

#### Foreign Market Value

In accordance with section 773 of the Act, we calculated foreign market value for Kihlberg and Grytgols based on their home market sales.

For Kihlberg, we calculated home market prices on the basis of ex-factory, unpacked prices. We made deductions, where appropriate, for quantity discounts in accordance with section 353.14 of the Commerce Regulations. In addition, we made deductions, where appropriate, for loyalty discounts. We also made an adjustment for differences in credit terms, and added U.S. packing costs.

Kihlberg claimed we should use sales to third countries as the basis for comparison with sales to the United States because sales in Sweden are to end users, and sales to the United States and to third countries are to distributors. We rejected this claim because there were sufficient sales of such or similar merchandise in the home market to provide a basis for comparison.

Kihlberg also claimed a level of trade adjustment between United States and home market sales based on differences in indirect selling expenses in the two markets. We do not consider this to be a proper basis for a level of trade adjustment, and disallowed the claim because Kihlberg was not able to demonstrate differences in pricing arising out of sales of such or similar merchandise at different levels of trade in the home market, in accordance with § 353.19 of the Commerce Regulations. If Kihlberg submits verifiable information as to differences in level of trade affecting price comparability, we will consider using it in making our final determinations.

For Grytgols, we calculated the home market prices on the basis of ex-factory, packed prices. We allowed a deduction for quantity discounts in accordance with § 353.14 of the Commerce Regulations. We also made an adjustment for differences in credit terms. We made no adjustments for differences in packing costs as these costs are reported to be the same in both markets.

Grytgols claimed a level of trade adjustment to compensate for the differences in levels of trade existing between the United States market and the home market for sales of certain carton closing staples. Pursuant to § 353.19 of the Commerce Regulations, the deduction was disallowed because Grytgols was not able to demonstrate differences in pricing arising out of sales of such or similar merchandise at different levels of trade in the home market. If Grytgols submits verifiable information as to differences in level of trade affecting price comparability, we will consider using it in making our final determinations.

#### Supplemental Information Requested

We are requesting Kihlberg to provide us with additional information on technical services expenses, and warranty, guarantee, and servicing costs. We are also requesting Grytgols to provide us with additional information on warranty, guarantee and servicing costs. If the above supplemental information is not received by June 6, 1983, we may resort to using the best information available for our final determinations.

#### Verification

We will verify all data used in reaching the final determinations in these investigations, as provided in section 776(a) of the Act.

#### Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of certain carton closing staples and staple machines from Sweden, with the exception of imports of certain carton closing staples produced and exported by Grytgols. This suspension of liquidation applies to all merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice in the *Federal Register*. The U.S. Customs Service shall require a cash deposit or the posting of a bond for each such entry of the merchandise equal to the estimated weighted-average amount by which the foreign market value of the merchandise subject to these investigations exceeds the United States price. This suspension of liquidation will remain in effect until further notice. The weighted-average margins are as follows:

Certain carton closing staples	Weight- ed- average margin (percent)
Grylgols	10.00
Kilberg	14.31
All Other Manufacturers/Producers/Exporters	8.71
Kilberg	138.20
All Other Manufacturers/Producers/Exporters	138.20

<sup>1</sup>Imports of these products from Grylgols are excluded from these preliminary determinations, because we found no sales at less than fair value.

#### ITC Notification

In accordance with section 733(f) of the Act, we will notify the ITC of our determinations. In addition, we are making available to the ITC all nonprivileged and nonconfidential information relating to these investigations. We will allow the ITC access to all privileged and confidential information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Deputy Assistant Secretary for Import Administration.

The ITC will determine whether these imports are materially injuring or are threatening to materially injure a U.S. industry before the later of 120 days after the Department of Commerce makes its preliminary affirmative determinations or 45 days after the Department makes its final affirmative determinations.

#### Public Comment

In accordance with § 353.47 of the Commerce Regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on these preliminary determinations at 10:00 a.m. on June 24, 1983, at the U.S. Department of Commerce, Room 3092, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to participate in the hearing must submit a request to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the above address within 10 days of this notice's publication. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs in at least 10 copies must be submitted to the Deputy Assistant Secretary by June 17, 1983. Oral presentations will be limited to issues raised in the briefs. All written views should be filed in accordance with 19 CFR 353.46, within

30 days of publication of this notice, at the above address in at least 10 copies.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

May 25, 1983.

[FR Doc. 83-14702 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-25-M

#### National Oceanic and Atmospheric Administration

##### Caribbean Fishery Management Council and Its Administrative Subcommittee; Change in Meeting Dates

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

**ACTION:** The public meeting dates for the Caribbean Fishery Management Council and its Administrative Subcommittee, as published in the *Federal Register*, May 25, 1983 (57 FR 23472), have been changed as follows:

#### FROM

*Council*—Tuesday, June 28, 1983—  
Wednesday, June 29, 1983.

*Administrative Subcommittee*—  
Tuesday, June 28, 1983.

#### TO

*Council*—Tuesday, July 12, 1983—  
Wednesday, July 13, 1983.

*Administrative Subcommittee*—  
Tuesday, July 13, 1983.

All other information remains unchanged.

#### FOR FURTHER INFORMATION CONTACT:

Caribbean Fishery Management Council, Banco de Ponce Building—Suite 1108, Hato Rey, Puerto Rico 00918. Telephone: (809) 753-4926.

Dated: May 27, 1983.

Richard B. Stone,

Acting Chief, Operations Coordination Group,  
National Marine Fisheries Service.

[FR Doc. 83-14765 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-22-M

#### Modification to a General Marine Mammal Permit

Notice is hereby given that pursuant to the provisions of § 216.24(b)(4) of the Regulations Governing the Taking and Importing of Marine Mammals and Condition 8 of the Permit, the Category 1 General Permit issued on February 22, 1983 to the VEB Fischfang Rostock of the German Democratic Republic, is hereby modified as detailed below.

1. Condition 2b. is deleted and replaced by:

b. Not more than 25 marine mammals of the Order Cetacea, and 8 marine

mammals of Order Pinnipedia, Family Phocidae may be killed or injured.

2. Condition 3 is deleted and replaced by:

3. Marine mammals taken as authorized herein may be taken in the North Atlantic Ocean within the Fishery Conservation Zone of the United States.

These modifications become effective on May 23, 1983.

The General Permit as modified and supporting documentation pertaining to the modifications are available for review in the office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, Room 412, 3300 Whitehaven Street, N.W., Washington, D.C. 20240.

Dated: May 26, 1983.

Richard B. Roe,

Acting Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 83-14781 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-22-M

#### Receipt of Application for Marine Mammal Permit

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:
  - a. Name: Point Defiance Zoo and Aquarium (p284A).
  - b. Address: 5402 North Shirley, Tacoma, Washington 98407.
2. Type of Permit: Public Display.
3. Name and Number of Animals: Beluga Whale (*Delphinapterus leucas*), 3.
4. Type of Take: to take and import for public display.
5. Location of Activity: Churchill, Manitoba, Canada.
6. Period of Activity: 2 years.

The arrangements 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 arrangements 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 the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data 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, Northwest Region, 7600 Sand Point Way, N.E., BIN C157000, Seattle, Washington 98115.

Dated: May 27, 1983.

R. B. Brumsted,

Acting Chief, Protected Species Division,  
National Marine Fisheries Service.

[FR Doc. 83-14779 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-22-M

## Office of the Secretary

### President's Private Sector Survey on Cost Control

**AGENCY:** Office of the Secretary, Commerce.

**ACTION:** Notice of Open Meeting of the Subcommittee of the President's Private Sector Survey on Cost Control (PPSSCC).

**SUMMARY:** The Subcommittee was established by the Executive Committee of the PPSSCC to: (i) review the recommendations submitted, including task force reports and public comments, and (ii) determine which recommendations should be made to the President and the Departments and Agencies.

**TIME AND PLACE:** June 13, 1983, beginning at 11 a.m. The meeting will be held at the U.S. Department of Commerce Auditorium, First Floor, Herbert C. Hoover Building, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

#### AGENDA:

1. Draft reports from the following Task Forces of the Survey will be discussed by Subcommittee members:

A. HHS/SSA

B. Department of Education  
C. Department of the Treasury  
D. Procurement  
E. ADP  
F. Federal Management Systems  
2. Comments and recommendations received from public and other interested parties will be discussed by Subcommittee members.

In compliance with Federal Advisory Committee Act and Freedom of Information Act requirements, copies of the draft reports will be available on June 3 at the Department's Central Reference and Records Inspection Facility, Room 6628 Hoover Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Please call Ms. Geraldine P. LeBoo on (202) 377-3271 for information concerning fees and procedures for obtaining copies by mail.

**SUPPLEMENTARY INFORMATION:** The Subcommittee will hold an additional public meeting in June, 1983. The exact date will be noticed in the *Federal Register*. Copies of all materials, including Task Force reports, to be considered at this meeting will be available approximately two weeks prior to the meeting at the Department's Central Reference and Records Inspection Facility, address above.

**PUBLIC PARTICIPATION:** The June 13 meeting will be open to the public. Seating will be on a first-come, first-served basis, up to the safe capacity of the meeting room. Media representatives are encouraged to call Mr. Malcolm Barr, Director, News Relations, Department of Commerce, 377-4901 to arrange for coverage of the meeting.

The public may file written statements for consideration by the Subcommittee any time before, at, or after the meeting. It is strongly recommended that statements concerning the matters to be considered at each meeting be filed before such meeting to ensure that they are considered by the Subcommittee before adoption of a report. The statements should be filed at the Department of Commerce's Central Reference and Records Inspection Facility, address and phone number as above. Because of the number of recommendations to be discussed, the meeting agenda will not include time for oral statements from public attendees. All public statements received will be available for public review.

**FOR FURTHER INFORMATION CONTACT:** Ms. Janet Colson, Committee Control Officer for the Executive Committee of the President's Private Sector Survey on Cost Control, telephone (202) 466-4665.

Dated: May 27, 1983.

Marilyn S. McLennan,  
Chief, Information Policy and Management  
Division, Office of the Secretary.

[FR Doc. 83-14703 Filed 6-1-83; 8:45 am]

BILLING CODE 3510-CW-M

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### USAF Scientific Advisory Board; Meeting

May 27, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on High Energy Lasers will meet in the Pentagon on June 16 to 24, 1983 from 8:30 a.m. to 5:00 p.m. each day. The purpose of the meeting will be to review technologies associated with high energy laser applications. The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Darwin W. Berg,

Acting Air Force Federal Register Liaison  
Officer.

[FR Doc. 83-14690 Filed 6-1-83; 8:45 am]

BILLING CODE 3910-01-M

### Defense Mapping Agency

#### Defense Mapping Agency Advisory Committee on Mapping, Charting and Geodesy (MC and G); Closed Meeting

Pursuant to the provisions of Subsection (d) of Section 10 of Pub. L. 92-463, as amended by Section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of the DMA Advisory Committee on MC&G has been scheduled as follows:

Tuesday, June 21, 1983 and  
Wednesday June 22, 1983, DMA  
Hydrographic/Topographic Center,  
Brookmont, Maryland, with appropriate  
side trips. The entire meeting,  
commencing at 0900 hours each day is  
devoted to the discussion of classified  
information as defined in Section  
552(c)(1), Title 5 of the U.S. Code and  
therefore will be closed to the public.  
The Committee will receive briefings on  
and discuss several current critical  
MC&G issues and advise the Director.

DMA on related scientific and technical matters.

M. S. Healy,

*OSD Federal Register Liaison Officer,  
Washington Headquarters Services,  
Department of Defense.*

May 27, 1983.

[FR Doc. 83-14795 Filed 6-1-83; 8:45 am]

BILLING CODE 3810-01-M

## DEPARTMENT OF EDUCATION

### Law-Related Education—Institutional Projects; Funding Priorities and Application Notice for Fiscal Year 1983 Grants

Applications are invited for new projects under the Law-Related Education Program.

These awards will be made under the authority of Section 583 of the Education Consolidation and Improvement Act of 1981 (ECIA), which authorizes the Secretary's Discretionary Program. The awards implement the intent of the Congressional Conference Committee on the second continuing resolution for Fiscal Year 1983 (Pub. L. 97-377) that \$1 million be reserved from the Secretary's Discretionary Program to fund law-related education projects similar to those supported under the Law-Related Education Act of 1978, which had been previously revoked, effective September 30, 1982, by ECIA.

*Closing date for transmittal of applications:* Applications for new awards must be mailed or hand delivered by July 18, 1983.

#### Program Information

(1) *Scope of law-related education.* Grants will be made to support programs at the elementary and secondary school levels through the development and implementation of model projects designed to institutionalize law-related education. "Institutionalization" is defined as the adaptation and incorporation of existing law-related education program materials and processes as an integral part of ongoing and continuing system-wide activities with regular State and local funding sources. Law-related education is intended to give persons knowledge and skills pertaining to the law, the legal process, and the legal system, and the fundamental principles and values on which these are based. The purpose of law-related education is to enable non-lawyers, including children, youth, and adults, to be more informed citizens.

Law-related education may include a variety of learning approaches in subject areas such as: fundamental legal principles and the values on which they

are based; the Bill of Rights and other constitutional law; the role and limits of law in a democratic society both past and present; the Federal, State, and local lawmaking process; the role of law in avoiding and resolving conflicts; development and administration of specific rules of law by Federal, State, or local governments and examination in a general or theoretical way of how rule of governance are developed and administered; the administration of the criminal, civil, and juvenile justice systems; and issues of authority, freedom, enforcement, and punishment.

Law-related education does not include direct training for careers in law. It does not include programs designed exclusively or primarily to provide information to persons preparing for or working in a particular profession on a specific law or set of laws that affect that profession.

(20 U.S.C. 3851; Pub. L. 97-377)

2. *Eligible applicants.* A State educational agency (SEA), local educational agency (LEA), or public or private nonprofit agency, organization, or institution may apply for a grant. However, the secretary encourages private nonprofit organizations to develop their applications in cooperation with State or local educational agencies or other organizations responsible for the administration of schools. An applicant may apply singly or jointly with another eligible applicant, as provided in 34 CFR 75.127 through 75.129 of the Education Department General Administrative Regulations (EDGAR). The Secretary of Education encourages joint applications from consortia of eligible applicants. Applicants may apply only for a project that does not exceed one year in duration.

(20 U.S.C. 3851(a))

3. *Types of projects.* The Secretary intends to fund one nation-wide project and additional projects with State-wide, area-wide (involving several school districts), or school district-wide applicability designed to institutionalize law-related education. Project activities may include technical assistance to help agencies identify and coordinate financial and programmatic support from public and private organizations in the community; planning and implementation of training such as seminars for educators and law-related personnel, e.g., law enforcement officials; and other services necessary to plan, manage, coordinate, and strengthen programs—all directed toward institutionalization of law-related education in the classroom.

It is estimated that a nation-wide project would require \$100,000-\$150,000. State-wide projects would require about \$50,000-\$100,000, area-wide projects would require about \$25,000-\$75,000, and system-wide projects would require approximately \$10,000-\$50,000. It therefore is estimated that between 10 and 20 projects would be funded, depending in part on the distribution of successful applications among projects of different scope.

It is possible that the Secretary may decide to fund one or more contracts for specific activities in law-related education outside of the grant competition provided for by this notice. This decision would affect the number and size of grant awards under this notice. The funding levels described above are estimates that do not bind the Secretary.

(20 U.S.C. 3851)

4. *Evaluation criteria.* In evaluating applications, the Secretary considers the following:

(a) *Institutionalizing law-related education.* (35 points)

The likely success of the project in helping to institutionalize law-related education programs, as measured by the extent and quality of activities that contribute to—(1) a recognition among public and private agencies and members of the public of law-related education's value as a part of the elementary and secondary school curriculum; (2) an increase in the number of educators and others who are competent in law-related education; (3) the development of effective sources of continuing programmatic and financial support from public and private organizations, including, for example, partnerships among State educational agencies, other public agencies, and private organizations, such as bar associations, law schools, and parent groups, and use of volunteers in law-related education programs; and (4) implementation of law-related education programs in the classroom.

(b) *Quality of project.* (15 points) The following additional criteria bearing on the quality of the project: (1) evidence of applicability to classroom use and age-level of students, of the applicant's materials, programs, or approaches in law-related education; (2) the applicant's and the staff's experience in and knowledge of law-related education; (3) how the project addresses a diversity of learning approaches that are—(i) appropriate to the students to whom the project is directed, (ii) designed to address gains not only in student's knowledge, but also in their

skills, (iii) balanced and based on sound scholarship and do not advocate particular legal or political viewpoints; and (4) the involvement of the appropriate State educational agency or agencies in the planning and conduct of the project.

(c) *Quality of key personnel.* (15 points) The quality of key personnel the applicant plans to use in the project, including—(1) the qualifications of the project director (if one is to be used) and other personnel; (2) the time that these persons will commit to the project; and (3) the extent to which the applicant, as part of its nondiscriminatory employment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly.

(d) *Plan of Operation.* (15 points) The quality of the plan of operation for the project. In applying this criterion, the Secretary looks for information that shows—(1) high quality in the design of the project; (2) an effective plan of management that ensures proper and efficient administration of the project; (3) a clear description of how the objectives of the project relate to the purpose of the program; (4) the way the applicant plans to use its resources and personnel to achieve each objective; (5) a clear description of how the applicant will provide equal access and treated for eligible project participants who are members of groups that have been traditionally underrepresented, such as members of racial or ethnic minority groups, women, handicapped persons, and the elderly, and (6) if the applicant is an SEA or LEA, how the applicant will provide an opportunity for the participation of persons (administrators, teachers, and students) in private schools.

(e) *Budget and cost effectiveness.* (8 points) The cost effectiveness of the project and the appropriateness of its budget.

(f) *Evaluation plan.* (7 points) The quality of the evaluation plan for the project. (See 34 CFR 75.590—Evaluation by the grantee.) In applying this criterion, the Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(g) *Adequacy of resources.* (5 points) The adequacy of facilities, equipment, and supplies that the applicant plans to use in the project.

5. *Rationale for program focus.* The emphasis on projects designed to

institutionalize law-related education was selected for two reasons—

(a) There are highly regarded law-related education programs in many States and school districts throughout the Nation, including programs that have been funded under the Law-Related Education Act and by other sources. However, many school districts do not have effective programs, or any programs at all. It is appropriate to build on the successes of existing programs, to institutionalize them, and to strengthen their capacity to serve as resources that will help address these unmet needs. The Secretary believes that this is a more effective way to use discretionary funds available for law-related education under Section 583 of ECIA than to provide direct support for additional basic program initiation or development.

(b) For the most part, future Federal financial support for particular law-related education programs will depend on decisions by State educational agencies and local educational agencies as to how to spend funds they administer under other Department of Education programs, particularly the block grant program authorized by Chapter 2 of ECIA. Projects that have system-wide applicability can contribute to more effective use of State and locally-administered Federal funds for law-related education. Projects that include strategies to institutionalize classroom law-related education can address the problem that many local educators are not aware of the potential value of law-related education and how it can be integrated into the curriculum. Therefore, institutionalization projects can promote informed choices by cognizant State and local officials—with the block grant funds or with State and local funds—of whether and how best to support law-related education activities.

6. *Private school personnel.* An SEA or LEA that receives a grant under this notice must provide for the equitable participation of private school persons in the project, in accordance with Section 586 of ECIA.

(20 U.S.C. 3882)

#### Waiver of Rulemaking

In accordance with Section 431 of the General Education Provisions Act and the Administrative Procedure Act, 5 U.S.C. 553, it is the practice of the Department of Education to provide an opportunity for public comment in response to proposed regulations before issuing the regulations in final form. However, the Secretary of Education has determined that proposed rulemaking would be impracticable and

contrary to the public interest for the rules in this notice and is therefore waiving the opportunity for public comment, in accordance with 5 U.S.C. 553(b)(3)(B).

The rules in this notice apply only to a competition for grants that must be awarded in the current fiscal year, which ends September 30, 1983. The awards should be made as far in advance of that date as possible to permit planning by grantees for use of funds during the 1983-84 school year. Funds governed by this notice were appropriated in the continuing resolution enacted December 20, 1982. Prior to that date, the Department expected that discretionary funds would not be used for this purpose. Given the time required to prepare, clear, and publish proposed and final regulations, to invite and review applications, and to negotiate and award grants, there is insufficient time following December 20, 1982 to follow proposed rulemaking procedures and still obligate funds on a timely basis in this fiscal year. Therefore, it is impracticable and contrary to the public interest to follow rulemaking procedures. It should also be noted that the rules in this notice are similar to those that were in effect under the Law-Related Education Act, which were developed with substantial public involvement, consistent with the Conference Committee directive.

(5 U.S.C. 553(b); 20 U.S.C. 1232)

*Effective dates:* Unless the Congress takes certain adjournments, the funding priorities, criteria, and other rules in this notice are expected to take effect 45 days after publication in the *Federal Register*. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

#### Available Funds

Approximately \$1 million are available for these awards for Fiscal Year 1983. Information on the estimated number and size of awards is described under paragraph 3 of this notice (Types of projects).

#### Applications Delivered by Mail

An application sent by mail must be addressed to the Department of Education, Application Control Center, Attention: 84.123, Law-Related Education Program, Washington, D.C. 20202.

An applicant must show proof of mailing consisting of one of the following:

(a) A legibly dated U.S. Postal Service Postmark.

(b) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(c) A dated shipping label, invoice, or receipt from a commercial carrier.

(d) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

#### Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th and D Street, SW., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily except Saturdays, Sundays, and Federal holidays. An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

#### Application Forms

Application forms and program information packages will be ready for mailing on June 3, 1983. The program information packages may be obtained by writing to the Division of Educational Support, Law-Related Education Program, U.S. Department of Education, 400 Maryland Avenue, SW., (Room 1725, Donohoe Building), Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with regulations, instructions, and forms included in the program information package.

The Secretary strongly urges that applicants not submit information that is not requested. However, the program information is only intended to aid applicants in applying for assistance. Nothing in the program information package is intended to impose any paperwork, application content,

reporting, or grantee performance requirement beyond those imposed under the statute and regulations.

#### Applicable Regulations

The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, and 78, are applicable to this program.

*Further information:* For further information, contact M. Patricia Goins, Program Officer, Law-Related Education Program, Division of Educational Support, U.S. Department of Education, 400 Maryland Avenue, SW (Room 1725, Donohoe Building), Washington, D.C. 20202. Telephone: (202) 245-8223.

(20 U.S.C. 3851)

(Catalog of Federal Domestic Assistance No. 84.123, Law-Related Education Program)

Dated: May 27, 1983.

T. H. Bell,

Secretary of Education.

[FR Doc. 83-14782 Filed 6-1-83; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

#### Barrett Paving Materials, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

[ERA Docket No. 83-CERT-085]

On May 11, 1983, Barrett Paving Materials, Inc. (BARRETT), 4847 Provident Drive, Cincinnati, Ohio 45246, filed with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at three of its facilities in Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 18, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, BARRETT indicates that the volume of natural gas for which it requests certification is approximately 46,000 Mcf per year. This volume is estimated to displace the use of approximately 307,000 gallons of No. 2 fuel oil (0.3 percent sulfur) per year at the Pleasant Run and Grand Avenue plants in Cincinnati, Ohio, and at the West Carrollton plant in West Carrollton, Ohio.

The quantities at each location are subject to variation with changes in demand, but estimated gas usage and resulting oil displacement volumes are listed below:

Facility	Estimated volume (Mcf) per year	Estimated oil (No. 2) displacement (gallons) 0.3% sulfur
Pleasant Run, 12075 Hamilton Avenue, Cincinnati, Ohio 45231	18,000	120,000
Grand Avenue, 2201 Grand Avenue, Cincinnati, Ohio 45214	16,000	120,000
West Carrollton, 4710 Soldiers Home-West, Carrollton Road, West Carrollton, Ohio 45449	10,000	67,000
Total	46,000	307,000

The eligible sellers are Exxon, U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301; and Ohio Gas Marketing Corporation, 3393 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, Owensboro, Kentucky 42301; and by Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, and Dayton Power & Light Company, Courthouse Plaza Southwest, Dayton, Ohio 45401, the local distribution companies in Cincinnati and West Carrollton, Ohio.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paul A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such

an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to BARRETT and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C. on May 25, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14667 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-076]

**Container Corporation of America; Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

The Container Corporation of America (CONTAINER), 5500 Wooster Road, Cincinnati, Ohio 45226, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its paperboard manufacturing facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, CONTAINER indicates that the volume of natural gas for which it requests certification is approximately 31.5 million cubic feet per month. This volume is estimated to displace the use of approximately 210,000 gallons of No. 6 fuel oil (less than 1.0 percent sulfur) per month.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas

Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to CONTAINER and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-14666 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-087, etc.]

**Dauphin Manor, et al.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil**

On May 12, 1983, Dauphin Manor (DAUPHIN), 1205 South 28th Street, Harrisburg, Pennsylvania 17111; Sperry New Holland Division of Sperry Corporation (SPERRY), 500 Diller Avenue, New Holland, Pennsylvania 17557; The Milton S. Hershey Medical Center (HERSHEY), P.O. Box 850, Hershey, Pennsylvania 17033; G & M Finishing, Inc. (G&M), R. D. #1, Alexander Street, Ephrata, Pennsylvania 17522; St. Lawrence Carbonizing Co., Inc. (ST. L.), 3600 Park View Road, St. Lawrence, Reading, Pennsylvania 19606; Arbogast & Bastian, Incorporated (A&B), 1-19 Hamilton Street, P.O. Box 478, Allentown, Pennsylvania 18105; Ralston Purina Company (RALSTON), 6509 Brandy Lane, P.O. Box 1190, Mechanicsburg, Pennsylvania 17055; and Lehigh University (L.U.) 404 Adams Street, Bethlehem, Pennsylvania 18015, filed with the Administrator of the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at one university, one county home, one hospital, and six manufacturing facilities in Pennsylvania, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the applications on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In their applications, the Applicants indicate the total volume of natural gas for the nine Pennsylvania facilities for which they request certification is approximately 1,355,900 Mcf per year. This volume is estimated to displace the use of approximately 3,740,000 gallons of No. 6 fuel oil (0.2-2.8 percent sulfur), approximately 2,632,252 gallons of No. 2 fuel oil (0.1-1.0 percent sulfur), and approximately 2,884,400 gallons of No. 5 fuel oil (0.2-2.9 percent sulfur) per year.

Estimated gas usage and resulting oil displacement volumes for each applicant and facility are listed below:

ESTIMATED OIL DISPLACEMENT (GALLONS) PER YEAR

ERA Docket No. 83-CERT-	Location	Estimated volume (Mcf) per year	No. 2	Sulfur content	No. 5	Sulfur content	No. 6	Sulfur content
087 (DAUPHIN)	1. Dauphin County Home, Harrisburg, PA	58,400	425,152	0.1				
088 (SPERRY)	1. Mountville Plant, Mountville, PA	50,000	124,200	1.0	220,800	1.0		
	2. New Holland Plant, New Holland, PA	100,000	82,900	1.0	908,100	1.0		
089 (HERSHEY)	1. Medical Center/Hospital, Hershey, PA	248,000	2,000,000	0.1				

## ESTIMATED OIL DISPLACEMENT (GALLONS) PER YEAR—Continued

ERA Docket No. 83-CERT-	Location	Estimated volume (Mc) per year	No. 2	Sulfur content	No. 5	Sulfur content	No. 6	Sulfur content
090 (G&M)	1. Ephrata Facility, Ephrata, PA	110,000					733,000	0.2
091 (ST.L.)	1. St. Lawrence Plant, St. Lawrence, PA	36,500			255,500	0.2		
092 (A&B)	1. Allentown Facility, Allentown, PA	225,000					1,500,000	2.0
093 (RALSTON)	1. Mechanicsburg Plant, Mechanicsburg, PA	220,000					1,507,000	2.8
094 (L.U.)	1. Lehigh Facility, Lehigh, PA	310,000			1,800,000	2.9		
Total		1,355,900	2,632,252		2,884,400		3,740,000	

For each application noted above, the eligible seller is Exxon U.S.A., P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and UGI Corporation (Gas Utility Division), 225 Morgantown Road, Reading, Pennsylvania 19611, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning any of these applications to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of any of these applications may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to the Applicant and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on May 24, 1983.

James W. Workman,  
Director, Office of Fuels Programs, Economic  
Regulatory Administration.

[FR Doc. 83-14869 Filed 6-1-83; 8:45 am]  
BILLING CODE 6450-01-M

**Merrell Dow Pharmaceuticals, Inc.;****[ERA Docket No. 83-CERT-081] Application for Certification of the Use of Natural Gas To Displace Fuel Oil**

Merrell Dow Pharmaceuticals, Inc. (MERRELL DOW), 2110 East Galbraith Road, Cincinnati, Ohio 45215, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA), and amended it May 18, 1983, for certification of an eligible use of natural gas to displace fuel oil at its pharmaceutical facility in Cincinnati, Ohio, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, MERRELL DOW indicates that the volume of natural gas for which it requests certification is approximately 125 million cubic feet per year. This volume is estimated to displace the use of approximately 1 million gallons of No. 2 fuel oil (0.20 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory

Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interest person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to MERRELL DOW and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on May 25, 1983.

James W. Workman,  
Director, Office of Fuels Programs, Economic  
Regulatory Administration.

[FR Doc. 83-14866 Filed 6-1-83; 8:45 am]  
BILLING CODE 6450-01-M

**[ERA Docket No. 83-CERT-1001]****Mt. Savage Refractories Company, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil**

Mt. Savage Refractories Company, Incorporated (MSRC), P.O. Box 5171 Centre Avenue, Pittsburgh, Pennsylvania 15206, filed an application on May 16, 1983 with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its facility in Mt. Savage, Maryland, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket

Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal Holidays.

In its application, MSRC indicates that the volume of natural gas for which it requests certification is approximately 150,000 Mcf per year. This volume is estimated to displace the use of approximately 1,050,000 gallons of No. 2 fuel oil (1.0 percent sulfur) per year.

The eligible sellers are Burdette Oil and Gas Company, Inc., 2303 Roxalana Road, Dunbar, West Virginia 25064; and J & J Enterprises, Inc., P.O. Box 697, Indiana, Pennsylvania 15701-0697. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston West Virginia 25325; and by Columbia Gas of Maryland, Inc., 107 West Main Street, Uniontown, Pennsylvania 15401, a local distribution company.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs, Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the *Federal Register*.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to MSRC and any person filing comments and will be published in the *Federal Register*.

Issued in Washington, D.C., on May 25, 1983.

**James W. Workman,**

*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-14670 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

## DEPARTMENT OF ENERGY

### Brent Exploration, Inc.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Brent Exploration, Inc. (Brent), 2060 Energy Center One, 717 Seventeenth Street, Denver, Colorado 80202. This Proposed Remedial Order charges Brent with pricing violations in the amount of \$1,542,912.41 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period August 1979 through December 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from James A. Martin, Manager, Litigation Support Group, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7407. Within fifteen (15) days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, Federal Building, Room 3304, 12th & Pennsylvania Ave., N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Dallas, Tex., on the 6th day of May 1983.

**Ben L. Lemos,**

*Director, Dallas Office, Economic Regulatory Administration.*

[FR Doc. 83-14672 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

### Granite Petroleum Corporation Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives Notice of a Proposed Remedial Order which was issued to Granite Petroleum Corporation and John E. Woolsey, Jr., 7880 San Felipe, Suite 201, Houston, Texas 77063. This Proposed Remedial Order alleges violations in the pricing of crude oil. The principal amount of the violation of 10 CFR 212.186, 210.62 and 205.202 for the period October 1979 through November 1980 is \$705,324.58. The principal amount of the alleged alternative violation of 10 CFR 212.183 for the same period is \$268,774.61.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from: U.S. Department of Energy, Economic Regulatory Administration, ATTN: Sandra K. Webb, Director, One Allen

Center, Suite 610, 500 Dallas Street, Houston, Texas 77002.

Within fifteen (15) days of publication of this Notice any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, U.S. Department of Energy, Room 3304, Federal Building, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Houston, Tex., on the 20th day of May 1983.

**Sandra K. Webb,**

*Director, Houston Office, Economic Regulatory Administration.*

[FR Doc. 83-14671 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

### Kunz Oil Co.; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration hereby gives notice of a Proposed Remedial Order which was issued to Kunz Oil Company of Edina, Minnesota. This Proposed Remedial Order charged Kunz Oil Company with pricing violations in the amount of \$143,375.11, plus accrued interest in sales of motor gasoline during the time period of May 1, 1979 through August 31, 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from David H. Jackson, Director, Kansas City Office, Economic Regulatory Administration, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objections with the Office of Hearings and Appeals, 12th and Pennsylvania Avenue, N.W., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Kansas City, Mo., on the 20th day of May 1983.

**David H. Jackson,**

*Director, Kansas City Office, Economic Regulatory Administration.*

[FR Doc. 83-14673 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

### [ERA Docket No. 83-CERT-066]

#### Sherwin-Williams Co.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Sherwin-Williams Company (S-W), 501 Murray Road, Cincinnati, Ohio 45217, filed an application on May 9, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its organic chemical plant in Cincinnati, Ohio, pursuant to 10 CFR

Part 595 (44 FR 47920, August 16, 1979). More detailed information is contained in the application on file and available for public inspection at the ERA Natural Gas Division Docket Room, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, S-W indicates that the volume of natural gas for which it requests certification is approximately 60 million cubic feet per year. This volume is estimated to displace the use of approximately 10,800 barrels of No. 2 fuel oil (0.17 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; and Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by the Cincinnati Gas and Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012, local distribution companies.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Office of Fuels Programs Natural Gas Division, RG-43, Room GA-007, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Paula A. Daigneault, within ten (10) calendar days of the date of publication of this notice in the Federal Register.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines that an oral presentation is necessary, further notice will be given to S-W and any person filing comments and will be published in the Federal Register.

Issued in Washington, D.C., on May 26, 1983.

**James W. Workman,**  
*Director, Office of Fuels Programs, Economic Regulatory Administration.*

[FR Doc. 83-14760 Filed 6-1-83; 8:45 am]

BILLING CODE 8450-01-M

### Federal Energy Regulatory Commission

[Docket No. ID-2043-000]

#### Burton C. Arola; Application

May 26, 1983.

The filing individual submits the following:

Take notice that on May 9, 1983, Burton C. Arola filed an application pursuant to Section 35(b) of the Federal Power Act to hold the following positions:

Treasurer—Upper Peninsula Power Company  
Secretary and Treasurer—Upper Peninsula Generating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Kenneth F. Plumb,**

*Secretary.*

[FR Doc. 83-14681 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-338-002]

#### Colorado Interstate Gas Co. and Montana-Dakota Utilities Co.; Petition To Amend

May 26, 1983.

Take notice that on April 28, 1983, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, and Montana-Dakota Utilities Co. (MDU), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP82-388-002 a joint petition to amend the order issued in

Docket No. CP82-338-000 on November 30, 1982, pursuant to Section 7 (c) of the Natural Gas Act so as to authorize the additions and deletions of delivery points to an exchange agreement between the Petitioners, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that by order issued November 30, 1982, in CP82-338-000, Petitioners were authorized to engage in the reciprocal exchange of natural gas in the Madden Field area of Wyoming pursuant to a gas exchange agreement dated October 27, 1978, as amended. Petitioners further state that the terms of the Madden agreement provide for the delivery of volumes of natural gas to CIG by MDU and to MDU by CIG from various sources of supply which are remote from one party's gathering system but proximate to the other's system thus eliminating the need for additional facilities required to connect such gas directly.

Petitioners assert that the Madden Field is still developing as a producing area with new wells being developed and connected to the gathering systems. Petitioners further assert that on occasion, for various operational or other reasons, wells may be disconnected from the systems. Petitioners, therefore, request authorization for blanket authority for the addition and deletion of delivery points in the Madden area of interest. Petitioners assert they would file annual tariff revisions by January 31 of each year setting forth additions and deletions of delivery points made during the previous calendar year.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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 proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to

intervene in accordance with the Commission's Rules.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-14684 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. C179-621-001 et al.]

**Elf Aquitaine, Inc. (Successor to Texasgulf Inc.); Application of Succession in Interest From Texasgulf Inc. to Elf Aquitaine, Inc.**

May 26, 1983.

Take notice that on March 28, 1983, Elf Aquitaine, Inc., (Elf), of Eleven Hundred Milam Building, Houston, Texas 77002, as successor to Texasgulf, Inc. (Texasgulf), filed an application to amend certain certificates currently held by Texasgulf to show Elf as certificate holder and to redesignate the related rate schedules.

By Conveyance effective March 31, 1983, Texasgulf transferred and assigned to Elf all of its right, title and interest in and to the Texasgulf gas properties. Elf proposes to continue, as successor, all of the Texasgulf's ongoing sales. The various dockets and rate schedules involved are listed in the attached Appendix.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 13, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). 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 proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a

petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

APPENDIX

Certificate docket No.	Now—	Formerly—	Purchaser
	Elf Aquitaine, Inc., FERC gas rate schedule No.	Texasgulf, Inc., FERC gas rate schedule No.	
C173-449 <sup>1</sup>	2	1	Columbia Gas Transmission Corp.
C173-542 <sup>1</sup>	3	2	Columbia Gas Transmission Corp.
C179-621-001	4	3	Northern Natural Gas Co.
C180-279	5	4	Northern Natural Gas Co.
C180-454	6	5	Northern Natural Gas Co.
C182-162-000	7	6	Southern Natural Gas Co.
C182-187-000	8	7	Southern Natural Gas Co.
C182-243-000	9	8	Southern Natural Gas Co.

<sup>1</sup> Optional pricing certificates.

[FR Doc. 83-14685 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-312-000]

**Equitable Gas Co.; Application**

May 26, 1983.

Take notice that on May 4, 1983, Equitable Gas Company (Applicant), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP83-312-000 an application pursuant to Section 7 of the Natural Gas Act for permission and approval to abandon from its interstate system certain natural gas compression facilities and related building structures and for a certificate of public convenience and necessity authorizing the construction and operation of replacement facilities at its Burnsville compressor station, Braxton County, West Virginia, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its 6,000 horsepower Burnsville compressor station and appurtenant facilities now in

operation in the City of Burnsville, Braxton County, Salt Lick District, West Virginia, due to the old age and outmoded steam engines used in compressing of the natural gas.

Applicant proposes to replace its existing compressor station, at the same location, with a station of modern design and technology having a total of 3,300 installed horsepower at an estimated cost of \$7,000,000. Such cost, it is asserted, would be financed from general funds of the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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 proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

**Kenneth F. Plumb,**  
*Secretary.*

[FR Doc. 83-14677 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-89-000]

**Midwestern Gas Transmission Co.;  
Tariff Filing**

May 26, 1983.

Take notice that on May 24, 1983, Midwestern Gas Transmission Company (Midwestern) tendered for filing First Revised Sheet No. 21 and Original Sheet No. 21A to Original Volume No. 1 of its FERC Gas Tariff to be effective June 1, 1983.

Midwestern states that the revisions make changes in the minimum bill provisions of Midwestern's Southern System Rate Schedule CD-1 pursuant to a settlement between Midwestern and its customers who purchase under Rate Schedule CD-1. Midwestern states that copies of the filing have been mailed to all of its 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, 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 and 385.214). All such petitions or protests should be filed on or before June 8, 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 the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14676 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP81-19-002]

**Northwest Pipeline Corp.; Amendment**

May 26, 1983.

Take notice that on May 5, 1983, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City, Utah 84410, filed in Docket No. CP81-19-002 an amendment to the pending application filed in Docket No. CP81-19-000 pursuant to Section 7(c) of the Natural Gas Act so as to reflect no limit to the annual volumes of natural gas available for sale to Southwest Gas Corporation (Southwest), as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on October 17, 1980, Applicant filed in Docket No. CP81-19-000 an application for a

certificate of public convenience and necessity authorizing the establishment of a new point of delivery for the sale and delivery of natural gas to Southwest. It is asserted that the proposed delivery point would be at an existing point of interconnection between the facilities of Applicant and El Paso Natural Gas Company in the vicinity of Ignacio, Colorado. The proposed sale to Southwest would be made pursuant to Applicant's Rate Schedule ODL-1 and would be made within Southwest's present ODL-1 contract entitlement, it is asserted. Applicant proposed to limit the maximum deliveries of gas at the proposed delivery point to 500,000 therms equivalent per day and 30,000,000 therms equivalent annually.

Applicant proposes in this amendment to the application to limit the volumes of natural gas available for sale to Southwest at the proposed delivery point to a price not to exceed Applicant's system average gas costs. Applicant states that it no longer considers an annual limitation to be appropriate and therefore requests that the annual limitation not be imposed. Applicant further states that it is willing to accept a certificate of public convenience and necessity conditioned as follows:

(a) It is Applicant's intent that deliveries of natural gas at the Ignacio delivery point shall be limited to those incremental volumes of natural gas that Applicant is able to deliver for resale to Southwest at a price not to exceed Applicant's system average gas cost at the time of delivery.

(b) The volumes of natural gas which Applicant is authorized to sell and deliver to Southwest at the proposed Ignacio delivery point shall not exceed 500,000 therms on a daily basis.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with 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 proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons

who have heretofore filed need not file again.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14683 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI76-733-002, et al.]

**Petrofina Delaware, Inc. (Finadel, Inc.);  
Corporate Name Change**

May 26, 1983.

Take notice that on April 29, 1983, Petrofina Delaware, Incorporated (Petrofina) of P.O. Box 2159, Dallas, Texas 75221, filed in Docket Nos. CI76-733-002, et al., applications for amendment of certificates of public convenience and necessity and for redesignation of certain rate schedules as listed in the attached Appendix to reflect a change in corporate name from Finadel, Incorporated to Petrofina Delaware, Incorporated.

Effective December 20, 1982, the Certificate of Amendment of Finadel, Incorporated amending Article I of the Articles of Incorporation of the Corporation so that same shall read as follows: "The name of the Corporation is: Petrofina Delaware, Incorporated" was filed in the Office of the Secretary of State of Delaware.

Notice is hereby given that all the certificates and rate schedules as listed in the attached Appendix are hereby redesignated to reflect the corporate name change from Finadel, Incorporated to Petrofina Delaware, Incorporated.

Kenneth F. Plumb,  
Secretary.

## APPENDIX

Docket No.	Formerly	Now	Purchaser
CI76-733-002	Finadel, Incorporated No. 1.	Petrofina No. 1.	Transcontinental Gas Pipe Line Corp.
CI76-737-002	Finadel, Incorporated No. 2.	Petrofina No. 2.	Transco Gas Supply Co.
CI76-735-001	Finadel, Incorporated No. 3.	Petrofina No. 3.	Transco Gas Supply Co.

[FR Doc. 83-14686 Filed 6-1-83; 8:45 am]

BILLING CODE 6710-01-M

[Docket No. ID-2044-000]

**Philip L. Lefebvre; Application**

May 21, 1983.

The filing individual submits the following:

Take notice that on May 9, 1983, Philip L. Lefebvre filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Assistant Secretary-Assistant Treasurer—  
Upper Peninsula Power Company  
Assistant Secretary-Assistant Treasurer—  
Upper Peninsula Generating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14660 Filed 6-1-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ID-2045-000]

#### Rodney H. Carlson; Application

May 26, 1983.

The filing individual submits the following:

Take notice that on May 9, 1983, Rodney H. Carlson filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Vice President—Upper Peninsula Power Company  
Director—Upper Peninsula Generating Company

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 10, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14679 Filed 6-1-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP82-470-001]

#### Tennessee Gas Pipeline Company, a Division of Tenneco Inc.; Amendment to Application

May 20, 1983.

Take notice that on May 2, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP82-470-001 an amendment to its pending application filed in Docket No. CP82-470-000 pursuant to Section 3 of the Natural Gas Act so as to reflect a change in the maximum daily quantity of natural gas proposed to be imported from Canada to the United States from 309,000 Mcf to 209,000 Mcf, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Tennessee states that due to the Reasons for Decision issued by the National Energy Board of Canada (NEB) on January 27, 1983, Tennessee is amending its import application to reflect the deletion of its request to import gas to be produced by Ocelot Industries Ltd.

Tennessee seeks to recover the cost of that gas which it would import under the authorizations requested in its instant application by means of its purchased gas adjustment provision in Article XXIII of the General Terms and Conditions of its FERC Gas Tariff and by means of a waiver of § 154.38(d)(4) of the Commission's Regulations to the extent that the Commission determines that such waiver is necessary.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before June 3, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). 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 proceeding. Except for those persons that have previously been permitted to intervene, any person wishing to become a party to a proceeding or to participate as a party in any hearing

therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14688 Filed 6-1-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. CP83-309-000]

#### Transcontinental Gas Pipe Line Corp.; Application

May 26, 1983.

Take notice that on May 3, 1983, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP83-309-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for The New Jersey Zinc Company, Inc. (NJZ), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport up to 3,700 dt equivalent of natural gas per day for NJZ on an interruptible basis for six months. Applicant contends that NJZ is an eligible user of natural gas as defined in Section 157.102 of the Commission's Regulations. Applicant submits that NJZ has arranged to purchase natural gas from Industrial Energy Services Company (IESCO), a broker purchasing gas from Atlas Resources, Inc. (Atlas), for use in NJZ's Palmerton, Pennsylvania, ammonia plant.

It is further stated that Columbia Gas Transmission Corporation (Columbia) would receive up to 3,700 dt equivalent of gas per day from IESCO via Columbia's existing interconnections with Atlas in Indiana County, Pennsylvania, and would redeliver such quantities, minus line loss and fuel retention charged by Columbia, to Applicant at the existing interconnection of Applicant and Columbia at Young Woman's Creek, Clinton County, Pennsylvania. Applicant, in turn, would transport such quantities by displacement and deliver them for NJZ's account to Union Gas Company (Union), an existing customer of Applicant at Palmerton, Pennsylvania, it is stated. Union would redeliver the gas ultimately at existing delivery points with NJZ, it is further explained.

It is stated that for such transportation service, NJZ would initially pay Transco 32.1 cents per dt equivalent delivered. Such service would be subordinate to

deliveries to Union under Applicant's Rate Schedules CD, GSS, LGA, PS, WSS and ISP, it is asserted.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 16, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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 proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the public certificate if required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Transco to appear or be represented at the hearing.

**Kenneth F. Plumb,**

Secretary.

[FR Doc. 83-14682 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-307-000]

**Arkansas Louisiana Gas Co., a Division of Arkla, Inc.; Application**

May 27, 1983.

Take notice that on May 3, 1983, Arkansas Louisiana Gas Company, a division of Arkla, Inc. (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP83-307-000 and application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon the sale for resale of natural gas to the Town of Mangum, Oklahoma (Mangum), all as more fully

set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that at the request of Mangum, it has bought the municipally-owned distribution system and taken over its operation. Applicant, therefore, proposes the abandonment of its sale of gas to Mangum for resale as Applicant would be delivering gas into its own distribution facilities. Applicant submits that the volumes sold to Mangum have averaged less than 110 Mcf per day for the last six years. Applicant points out that it is not requesting abandonment authorization for its tap and related facilities by means of which it has heretofore effected the delivery of gas from its transmission line to the subject distribution system because those facilities would continue to be used in the same service.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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 proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

**Kenneth F. Plumb,**

Secretary.

[FR Doc. 83-14747 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-336-000]

**City of Pensacola, Florida v. United Gas Pipe Line Co.; Petition for Declaratory Order and Complaint**

May 27, 1983.

Take notice that on May 4, 1983, the City of Pensacola, Florida (Pensacola), Energy Services, 105 East DeSota Street, Pensacola, Florida 32501, pursuant to the Natural Gas Act and the Commission's Regulations thereunder, has filed a petition for declaratory order<sup>1</sup> and complaint. Pensacola seeks, *inter alia*, a declaration that the full requirements provision of the service agreement between it and United Gas Pipe Line Company (United) is unjust, unreasonable, unduly discriminatory and preferential and that certain articles in the service agreement are in conflict with United's FERC Gas Tariff as to partial requirements customers. Pensacola also asserts that United has permitted some customers with full requirements service agreements to pursue second source supplies. Pensacola also asserts that United seeks to use its monopoly position to thwart competition, contrary to the antitrust and antimonopoly laws and decisions. Pensacola also requests, *inter alia*, that an investigation be initiated and that a hearing be convened to take evidence on matters set forth in its petition.

Any person desiring to be heard or to make any protest with reference to said petition and complaint should, on or before July 1, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211). 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 proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition

<sup>1</sup> Pensacola's petition is styled "Motion to Intervene, Protest, Complaint, and Petition for Declaratory Order."

to intervene in accordance with the Commission's Rule.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14746 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP78-41-002]

**Columbia Gas Transmission Corp.;  
Equitable Gas Co.; Petition To Amend**

May 27, 1983.

Take notice that on April 14, 1983 Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia 25314, and Equitable Gas Company (Equitable), 420 Boulevard of the Allies, Pittsburgh, Pennsylvania 15219, filed in Docket No. CP78-41-002 a petition to amend the order issued April 13, 1978, in Docket No. CP78-41 pursuant to Section 7(c) of the Natural Gas Act so as to authorize the transportation of natural gas to an additional delivery point from Columbia to Equitable and the transportation of gas owned by any Equitable subsidiary, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners were authorized, *inter alia*, to transport and exchange natural gas pursuant to a transportation and exchange agreement dated October 18, 1977. It is asserted that this agreement provides that delivery of exchange volumes of natural gas may be made at such other points not enumerated therein as are mutually agreed upon. Petitioners have agreed upon and request authorization for a new point of delivery from Columbia to Equitable at an existing point of interconnection between Columbia and Texas Eastern Transmission Corporation (Texas Eastern) near Waynesburg, Greene County, Pennsylvania. It is asserted that deliveries at this location would not exceed 30,000 Mcf per day on a firm basis and in addition up to 20,000 Mcf per day on a best-efforts basis provided that the combined delivery at this location plus deliveries at the existing Waynesburg delivery point would not exceed 50,000 Mcf per day for the five-month period, November through March, and 30,000 Mcf per day for the seven-month period, April through October. It is stated that all deliveries made at the new delivery point would be made by Columbia to Texas Eastern for Equitable's account.

Further, Equitable has requested and Columbia has agreed that gas owned by any Equitable subsidiary may be transported under the transportation

and exchange agreement of October 18, 1977, so long as the total volumes transported thereunder do not exceed 70,000 Mcf per day. Authority for such transportation is also requested herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). 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 proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14749 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-437-000]

**Commonwealth Edison Co.; Order  
Accepting for Filing and Suspending  
Rates, Noting Interventions, and  
Establishing Hearing and Price  
Squeeze Procedures**

Issued: May 27, 1983.

On March 31, 1983, Commonwealth Edison Company (Commonwealth) tendered for filing increased rates for firm service to its five full requirements customers.<sup>1</sup> The proposed rates would increase revenues by approximately \$8.6 million (18.6%) for the calendar year 1983 test period. Commonwealth requests that the proposed rates be effective on May 31, 1983. The proposed rates are based on a cost of service study which includes no CWIP in rate base that would not qualify under existing Commission regulations. However, Commonwealth requests that sufficient CWIP be added to rate base to offset any downward adjustments ultimately made to its cost of service.

Notice of the filing was published in the *Federal Register*, with comments due by April 28, 1983. The Cities of Batavia, Geneva, Naperville, Rock Falls, and St. Charles, Illinois (Cities) filed a timely protest and motion to intervene. The Cities raise various cost of service and

<sup>1</sup> See Attachment A for customers and rate schedule designations.

rate base issues,<sup>2</sup> allege that the proposed rates will create a price squeeze, request a five month suspension, and request that the Commission abandon its policy of phasing price squeeze issues and deal with that issue immediately. The Cities also request that the Commission reject Commonwealth's request for inclusion of sufficient non-qualifying CWIP in rate base to offset any cost of service adjustments.

While the Cities have been involved in substantial litigation before the Commission in prior cases, they state that their present attorneys and consultants have not participated in that prior litigation. Therefore, the Cities assert that they are not yet in a position to make a judgment as to which issues, if any, in this docket should be governed by the outcome of prior litigation or which issues, although previously addressed, have been affected by changed circumstances or other factors. Accordingly, the Cities request that all decisions concerning the precedential effect of prior cases be deferred for consideration by the presiding administrative law judge.

On May 11, 1983, Commonwealth filed an answer to the Cities' protest and motion to intervene. Commonwealth disputes the allegations that its cost of service is excessive or improper. Commonwealth does not, however, oppose the Cities' intervention in this proceeding. As to the Cities' contention that CWIP is not properly includable in Commonwealth's filing, Commonwealth states that the Commission at a public meeting on March 10, 1983, decided to adopt a rule allowing up to 50% of a utility's CWIP in rate base. By that decision, Commonwealth argues that the Commission effectively abandoned its CWIP policy as embodied in § 2.16 of the Commission's regulations. Therefore, it is Commonwealth's belief that the disposition of its filing should be governed by the Commission's March 10th "decision," not § 2.16 of the Commission's regulations.

**Discussion**

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed motion to intervene serves to make the Cities parties to this proceeding.

<sup>2</sup> These issues include: (1) Claimed return on common equity; (2) rate design; (3) demand and energy allocators; (4) test period expense and load projections; (5) calculation of income tax; and (6) inclusion of the cost of unenriched uranium in rate base.

We shall deny Commonwealth's request to support the proposed rates by including sufficient non-qualifying CWIP in rate base as an offset to any cost of service adjustments. As noted, this request was made in anticipation of revised regulations changing the Commission's CWIP policy; Commonwealth did not allege that it was experiencing severe financial difficulty under § 2.16 of our regulations as it existed at the time of Commonwealth's filing. Cities contend that Commonwealth's request is contrary to the effective regulations and would constitute a moving target. They argue persuasively that a utility generally controls the timing, magnitude, and cost support of its rate filings and that substantial resources would be squandered in litigating various cost of service issues if the utility were later able to negate any adverse consequences by a simple offset based on a rule which had not issued at the time of filing. We note that a final rule pertaining to CWIP was issued in Docket No. RM81-38-000 on May 16, 1983. That rule expressly provides that it does not become effective until thirty days after publication in the **Federal Register**; the rule further provides the specific filing requirements and conditions under which a utility may file to include CWIP in rate base on and after the effective date of the rule. Thus, the new regulations cannot apply to anticipatory filings or requests such as Commonwealth's.

As noted, the Cities' request that all decisions regarding which issues in this docket are properly governed by prior litigation should be referred to the presiding judge. Inasmuch as the issues raised by this filing may be more clearly defined after discovery has taken place, we agree that it is appropriate to leave such questions initially to the presiding judge.

Our review of Commonwealth's submittal and the pleadings indicates that the proposed rates have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. We shall therefore accept Commonwealth's rates for filing and suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we explained the Commission's suspension policy and noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed rates may be unjust and unreasonable and may produce substantially excessive revenues, as

defined in *West Texas*. Because our review suggests that Commonwealth's rates may be substantially excessive, we shall suspend the rates for five months from 60 days after filing, to become effective, subject to refund, on October 31, 1983.

In light of the Cities price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339-000, 8 FERC ¶ 61,131 (1979).<sup>3</sup>

*The Commission orders:*

(A) Commonwealth's proposed rates are hereby accepted for filing and suspended for five months from 60 days after filing, to become effective, subject to refund on October 31, 1983.

(B) Commonwealth's request that sufficient CWIP be added to rate base to offset any cost of service adjustments ultimately ordered is hereby denied.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly section 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Commonwealth's rates.

(D) The Commission staff shall serve top sheets in this proceeding on or before June 14, 1983.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service to top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates, to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure, and to determine which issues in this proceeding should be governed by prior litigation involving Commonwealth and the Cities.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding

<sup>3</sup> While the Cities generally challenge the appropriateness of our established phasing practice and urge that it be abandoned, barring such relief, they have not suggested that extraordinary circumstances exist so as to justify an exception in their case.

be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate, which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the **Federal Register**.

By the Commission,  
**Kenneth F. Plumb**,  
Secretary.

**Attachment—Commonwealth Edison Company Rate Schedule Designations**

[Docket No. ER83-437-000]

Filed: March 31, 1983.

**FPC ELECTRIC TARIFF, ORIGINAL VOLUME No. 1**

Sheet No.	Superseding sheet No.
Eleventh Revised Sheet No. 1	Tenth Revised Sheet No. 1
Fourth Revised Sheet No. 7	Third Revised Sheet No. 7
First Revised Sheet No. 7A	Original Sheet No. 7A
Third Revised Sheet No. 8	Second Revised Sheet No. 8

[FR Doc. 83-14750 Filed 6-1-83; 8:45 am]

**BILLING CODE 6717-01-M**

[Project No. 6397-001]

**Lawrence J. McMurtrey; Suspending 120-Day Period for Action on Small Hydro Exemption**

May 27, 1983.

Lawrence J. McMurtrey filed an application for exemption for the proposed Project No. 6397-001, located in Snohomish County, California. The application was filed pursuant to Section 408 of the Energy Security Act of 1981 and § 4.101 *et seq.* of the Commission's regulations.

Having determined that additional time is necessary for action on the application in order to ensure full consideration of all information and comments that have been received, the 120-day period for Commission action is suspended pursuant to § 4.105(b)(5)(iv).

By direction of the Commission.

**Kenneth F. Plumb**,  
Secretary.

[FR Doc. 83-14751 Filed 6-1-83; 8:45 am]

**BILLING CODE 6717-01-M**

[Docket No. CP83-7-001]

**Louisiana Resources Co.; Amendment to Application**

May 26, 1983.

Take notice that on May 24, 1983, Louisiana Resources Company (Applicant), Post Office Box 3102, Tulsa, Oklahoma 74101, filed in Docket No. CP83-7-001, an amendment to its pending application filed in Docket No. CP83-7-000 pursuant to Section 311(a)(2) of the Natural Gas Policy Act of 1978 so as to reflect a change in the transportation service to be provided Southern Natural Gas Company (Southern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation agreement dated June 10, 1982, it proposes to transport on behalf of Southern up to 150 billion Btu's of gas per day on firm basis for a 15-year term. Applicant further states that said agreement has been amended by agreement dated May 20, 1983, that changes the proposed transportation service by (1) deleting the minimum annual charge as an element of the rate and charge to be assessed Southern for the service, and (2) deleting the right Southern to extend the agreement an additional 5 years in order to make up for any transportation service paid for under the minimum annual charges but not actually provided by Applicant.

Any person desiring to be heard or to protest with reference to said amendment should on or before June 9, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedures (18 CFR 385.214, or 385.211). All protests filed with Commission will be considered by it 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 to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

**Kenneth F. Plumb,**  
Secretary.

[FR Doc. 83-14752 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-420-000]

**Northern States Power Company (Wisconsin); Order Accepting for Filing and Suspending Rates, Noting Interventions, and Establishing Hearing Procedures**

Issued: May 27, 1983.

On March 29, 1983, Northern States Power Company (Wisconsin) (NSP-W) filed a proposed two-phase increase in rates for service to its thirteen wholesale customers.<sup>1</sup> The proposed Phase A rates would increase revenues from NSP-W's wholesale customers by approximately \$404,550 (3.19%) for the calendar year 1983 test period. The Phase B rates would further increase revenues by an additional \$102,950, representing a total increase of 4.09%. NSP-W requests that its Phase A rates be allowed to become effective on May 30, 1983; and effective date of May 31, 1983, is proposed for the Phase B rates. Further, NSP-W requests that if the Commission determines that the Phase B increase should be suspended for one day, that the Phase A increase be deemed withdrawn.

NSP also proposed to transfer service to its only partial requirements customer, the City of Barron, from its LP-1 rate to its full requirements W-1 rate since Barron no longer intends to use its own generation to meet portions of its load. Since Barron is NSP-W's only partial requirements customer, NSP-W has also filed a notice of cancellation of the LP-1 rate.

Although the proposed rates retain the rate structure of the present rates, NSP-W has also submitted proposed rates W-1 and PS-1 which are based on claimed short-run marginal costs. The proposed marginal cost-based rates would produce the same revenue as the proposed rates. NSP-W requests that the marginal cost-based rates be implemented prospectively after a final Commission decision in this docket.

Notice of NSP-W's filing was published in the Federal Register (48 FR 15686-87), with comments due on or before April 21, 1983. On April 21, 1983, a motion to intervene and request for a five month suspension and hearing was filed on behalf of the Cities and Villages of Bangor, Barron, Bloomer, Cadott, Cornell, Spooner, and the Wisconsin Public Power Incorporated System.

<sup>1</sup> Twelve of these wholesale customers, the Cities and Villages of Bangor, Black River Falls, Bloomer, Cadott, Cornell, New Richmond, Rich Lake, River Falls, Spooner, Trempealeau, Westby and Whitehall currently receive full requirements service under rate W-1. The other wholesale customer, the City of Barron, is currently a partial requirements customer served under rate LP-1. See Attachment A for rate schedule designations.

(Cities).<sup>2</sup> On April 20, 1983, the Public Service Commission of Wisconsin filed a notice of intervention.

In support of their request for a five month suspension, the Cities raise a number of rate base, cost of service, and allocation issues.<sup>3</sup> The Cities have also requested that we specifically note that this proceeding may require a price squeeze investigation, but assert that they cannot now determine if hearing on price squeeze will be necessary.

On May 9, 1983, NSP-W answered the Cities' motion. NSP-W does not oppose the request to intervene or the Cities' request for a hearing. It does, however, object to the motion for a five month suspension. NSP-W disputes the Cities' proposed adjustments and further contends that, even assuming their appropriateness, the cost of service impact of these adjustments has been overstated.

**Discussion**

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the unopposed notice and motion to intervene serves to make the Wisconsin Commission and the Cities parties to this proceeding.

Our preliminary examination of NSP-W's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

The Commission explained its suspension policy in *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982). There we stated that, where preliminary examination indicates that revised rates may be unjust and unreasonable and maybe substantially excessive, as

<sup>2</sup> The Wisconsin Public Power Incorporated System (SYSTEM) is a municipal electric company formed pursuant to State law by 28 Wisconsin municipalities and is authorized to serve as the bulk power supplier of its members. It receives service from NSP-W pursuant to contracts with five municipalities (Black River Falls, New Richmond, River Falls, Westby, and Whitehall) which have been assigned to SYSTEM with the consent of NSP-W.

<sup>3</sup> These issues include: (1) Revenue requirements for return on production plants and Tyrone Energy Park amortization; (2) stated depreciation expenses; (3) income tax expense; (4) wholesale demand and energy allocation factors; (5) mechanics for synchronization of test period fuel expenses and revenues; (6) calculation of labor ratios; (7) claimed fuel inventory, regulatory commission expense, and rate of return; (8) a proposed late payment charge; (9) the proposed peak shaving service demand charge; (10) an energy tilt in the rate design to the detriment of low load factor customers; and (11) treatment of future estimated nuclear fuel storage costs.

described in *West Texas*, we will ordinarily suspend the rates for the maximum five months. In the case at hand, our preliminary review suggests that both the Phase A and Phase B rates proposed by NSP-W may produce substantially excessive revenues. Accordingly, we shall suspend the Phase A and Phase B rates for five months to become effective, subject to refund, on October 30, 1983, and October 31, 1983, respectively.

With respect to the Cities' price squeeze concerns, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79-339-000, 8 FERC ¶ 61,131 (1979).

With respect to the proposed notice of cancellation of the partial requirements service rate LP-1 tariff sheets, we shall accept that notice of cancellation for filing, effective May 31, 1983. As noted, the City of Barron is the only customer now served under the LP-1 rate. Elimination of this partial requirements service to Barron will have no revenue effect because the unit charges under the LP-1 rate and the W-1 rate are identical and Barron has indicated that it does not intend to use its generation to meet its load. Thus, the billing determinants for Barron will be unchanged if Barron is served, as proposed by NSP-W, under the full requirements W-1 rate.

*The Commission orders:*

(A) NSP-W's proposed Phase A and Phase B rates are hereby accepted for filing and are suspended for five months, to become effective, subject to refund, on October 30, 1983, and October 31, 1983, respectively.

(B) NSP-W's notice of cancellation of its rate LP-1 tariff sheets is accepted for filing to become effective on May 31, 1983, and service to the City of Barron shall be provided under the applicable full requirements rate W-1.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR Chapter I), a public hearing shall be held concerning the justness and reasonableness or NSP-W's rates.

(D) The Commission staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(G) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.

**Kenneth F. Plumb,**  
*Secretary.*

Attachment—Northern States Power Company (Wisconsin)

[Docket No. ER83-420-000]

*Rate Schedule Designations*

*Designation and Other Party*

I. Schedule W-1 Phase A and Schedule W-FC Fuel Clause

- Supplement No. 9 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 8, as supplemented)—City of Whitehall
- Supplement No. 10 to Rate Schedule FPC No. 52 (Supersedes Supplement No. 8, as supplemented)—Village of Trempealeau
- Supplement No. 11 to Rate Schedule FPC No. 55 (Supersedes Supplement No. 10, as supplemented)—City of Westby
- Supplement No. 8 to Rate Schedule FPC No. 56 (Supersedes Supplement No. 7, as supplemented)—City of Rice Lake
- Supplement No. 7 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 6, as supplemented)—City of Bangor
- Supplement No. 7 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 6, as supplemented)—City of Cornell
- Supplement No. 9 to Rate Schedule FPC No. 60 (Supersedes Supplement No. 8, as supplemented)—City of New Richmond
- Supplement No. 3 to Rate Schedule FPC No. 61 (Supersedes Supplement No. 2, as supplemented)—Village of Cadott

- Supplement No. 2 to Rate Schedule FPC No. 62 (Supersedes Supplement No. 1, as supplemented)—City of Bloomer
  - Supplement No. 4 to Rate Schedule FPC No. 64 (Supersedes Supplement No. 3, as supplemented)—City of Spooner
  - Supplement No. 7 to Rate Schedule FERC No. 69 (Supersedes Supplement Nos. 1 and 3)—City of River Falls
  - Supplement No. 6 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 1)—Wisconsin Public Power Incorporated SYSTEM for City of Black River Falls
- II. Schedule PS-1—Phase A

- 2nd Revised Sheet Nos. 1 and 2 under FERC Electric Traiff, Original Volume No. 2 (Supersedes 1st Revised Sheet Nos. 1 and 2)
- Supplement No. 8 to Rate Schedule FERC No. 69 (Supersedes Supplement No. 2)—City of River Falls
- Supplement No. 7 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 2)—Wisconsin Public Power Incorporated SYSTEM for City of Black River Falls

III. City of Barron

- Rate Schedule FPC No. 71 (Redesignation of Service Agreement dated June 9, 1981, as supplemented under FERC Electric Traiff Original Volume No. 1)—City of Barron
- Supplement No. 1 to Rate Schedule FERC No. 71—City of Barron (Schedule W-1 effective October 4, 1981 and Schedule WF-C Fuel Clause)
- Supplement No. 2 to Rate Schedule FERC No. 71 (Supersedes Supplement No. 1)—City of Barron (Schedule W-1 Phase A and Schedule W-FC Fuel Clause)

IV. Schedule W-1—Phase B and Schedule W-FC Fuel Clause

- Supplement No. 10 to Rate Schedule FPC No. 51 (Supersedes Supplement No. 9)—City of Whitehall
- Supplement No. 11 to Rate Schedule FPC No. 52 (Supersedes Supplement No. 10)—Village of Trempealeau
- Supplement No. 12 to Rate Schedule FPC No. 55 (Supersedes Supplement No. 11)—City of Westby
- Supplement No. 9 to Rate Schedule FPC No. 56 (Supersedes Supplement No. 8)—City of Rice Lake
- Supplement No. 8 to Rate Schedule FPC No. 58 (Supersedes Supplement No. 7)—City of Bangor
- Supplement No. 8 to Rate Schedule FPC No. 59 (Supersedes Supplement No. 7)—City of Cornell
- Supplement No. 10 to Rate Schedule FPC No. 60 (Supersedes Supplement No. 9)—City of New Richmond
- Supplement No. 4 to Rate Schedule FPC No. 61 (Supersedes Supplement No. 3)—Village of Cadott
- Supplement No. 3 to Rate Schedule FPC No. 62 (Supersedes Supplement No. 2)—City of Bloomer
- Supplement No. 5 to Rate Schedule FPC No. 64 (Supersedes Supplement No. 4)—City of Spooner
- Supplement No. 9 to Rate Schedule FERC No. 69 (Supersedes Supplement No. 7)—City of River Falls

12. Supplement No. 8 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 6)—Wisconsin Public Power Incorporated SYSTEM for City of Black River Falls
13. Supplement No. 3 to Rate Schedule FERC No. 71 (Supersedes Supplement No. 2)—City of Barron

V. Schedule PS-1—Phase B

14. 3rd Revised Sheet Nos. 1 and 2 under FERC Electric Tariff, Original Volume No. 2 (Supersedes 2nd Revised Sheet Nos. 1 and 2)
15. Supplement No. 10 to Rate Schedule FERC No. 69 (Supersedes Supplement No. 8)—City of River Falls
16. Supplement No. 9 to Rate Schedule FERC No. 70 (Supersedes Supplement No. 7)—Wisconsin Public Power Incorporated SYSTEM for City of Black River Falls

VI. Notice of Cancellation Rate LP-1 Tariff Sheets

*Designation and Description*

1. Fifth Revised Sheets Nos. 1 and 2 under FERC Electric Tariff Original Volume No. 1 (Cancels FERC Electric Tariff Original Volume No. 1)—Notice of Cancellation of Rate LP-1 Tariff Sheets

[FR Doc. 83-14753 Filed 6-1-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ES83-45-000]

**Pacific Power & Light Co.; Application**

May 27, 1983.

Take notice that on May 19, 1983, Pacific Power & Light Company filed its application with the Federal Energy Regulatory Commission, pursuant to Section 204 of the Federal Power Act, seeking an order authorizing it to issue and sell its commercial paper from time-to-time in aggregate principal amounts not to exceed \$150,000,000 at any one time outstanding. The authority requested is a renewal of authority granted in 1981 and expiring June 30, 1983.

Any person desiring to be heard or to make any protest with reference to the application should, on or before June 17, 1983, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with 18 CFR 385.211 or 385.214, respectively.

Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14754 Filed 6-1-83; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. ER83-433-000]

**Rochester Gas & Electric Co.; Order Accepting for Filing and Suspending Transmission Rate Schedule, Granting Intervention, and Establishing Procedures**

Issued: May 27, 1983.

On March 31, 1983, Rochester Gas & Electric Company (RG&E) tendered for filing increased rates and new terms and conditions<sup>1</sup> for wheeling firm Niagara Project capacity and energy to customers of the Power Authority of the State of New York (PASNY).<sup>2</sup> The change is contained in a letter agreement between RG&E and PASNY dated November 23, 1982. The proposed wheeling rate would increase revenues by approximately \$190,000 (236%) based on a calendar year 1981 test period.

In addition, the instant submittal would modify the present agreement by committing RG&E to provide firm service rather than providing service only to the extent that excess transmission capacity is available. The proposed filing requires PASNY to supply RG&E with a five-year load forecast to provide sufficient time for RG&E to construct the transmission facilities necessary to meet the full requirements of PASNY's customers. The agreement also provides that, if PASNY fails to provide timely load forecasts and RG&E cannot install needed facilities on a timely basis without incurring extraordinary costs, RG&E will perform the required installation only upon agreement by the affected PASNY customers to reimburse RG&E. Under the proposed agreement, if a PASNY customer experiences a temporary load increase necessitating system reinforcement, RG&E would not be required to serve the additional load unless the customer pays for the cost of the system reinforcement. However, RG&E would be required to refund this amount if permanent increases in load within the subsequent ten-year period would warrant equivalent system reinforcement. RG&E requests a July 1, 1983, effective date for its revised rates, terms, and conditions.

Notice of the filing was published in the Federal Register, with comments due on or before April 25, 1983. On April 29, 1983, PASNY filed a late motion to intervene in support of RG&E's submittal. PASNY states that it has a direct financial interest in this proceeding which cannot be adequately represented by any other party.

On May 4, 1983, the Municipal Electric Utilities Association of New York (MEUA) filed a motion for leave to file out of time followed on May 5, 1983, by a motion to intervene out of time. MEUA

<sup>1</sup> The rate schedule designation is: *Rochester Gas and Electric Corporation, DC-A-32, Supplement No. 1 to Rate Schedule FERC No. 25.*

<sup>2</sup> PASNY operates the Niagara Hydroelectric Project. RG&E wheels capacity and energy to two of PASNY's customers, the Villages of Angelica and Spencerport, New York. The present RG&E rates have been in effect since 1981.

requests that it be permitted to intervene, that the filing be suspended for one day, and that a hearing be held on the lawfulness of the proposed rates and service conditions. In support of its requests, MEUA states that: (1) Actual notice of RG&E's filing was provided to PASNY and to the New York Public Service Commission, but not to PASNY's customers, Angelica and Spencerport; (2) a one-day suspension is warranted under the rule enunciated in *West Texas Utilities Company*, 18 FERC ¶61,189 (1982); (3) RG&E's claimed rate of return on common equity is not justified in today's economic climate; (4) RG&E has not allocated cost of service items correctly, including A&G expenses, taxes, materials and supplies, prepayments, and Federal income taxes; (5) a proposed limitation in service relating to contiguous service areas is unduly discriminatory or needs clarification; (6) the ability of RG&E to withhold additional delivery points may prevent competition by PASNY customers in the future; (7) language with respect to providing load forecasts by PASNY and limitations on firm service is ambiguous; and (8) language with respect to construction of facilities does not include notice provisions.

On May 20, 1983, RG&E filed an answer to MEUA's motion. RG&E states that none of the members of MEUA has a direct interest in RG&E's filing and that only Angelica and Spencerport have an indirect interest as affected PASNY customers. Thus, RG&E opposes MEUA's motion to intervene for any purpose other than as a representative of Angelica and Spencerport. In addition, RG&E states that MEUA has attempted to raise issues which do not apply to the transmission service required by Angelica and Spencerport; therefore, RG&E also opposes any effort by MEUA to address issues which are generic to other transmission services rendered by other utilities. RG&E responds to each of the specific matters raised by MEUA, arguing that its proposed transmission rate has been developed at a level substantially lower than its cost of service would support, that the adjustments suggested by MEUA are improper or of no net rate effect, and that the challenged terms and conditions of service are both necessary and reasonable. RG&E concludes that no evidentiary hearing is needed in this docket and that suspension is not warranted.

**Discussion**

Given the early stages of this proceeding, the apparent interests of PASNY and at least some MEUA

members in the outcome of this case, and the fact that no undue delay or prejudice should occur as a result of the late interventions, we find that good cause exists to permit PANSY and MEUA to intervene out of time. We shall not at this time attempt to limit the degree of participation by MEUA as a representative of its membership or to define the precise scope of this proceeding, as requested by RG&E. After having heard the positions of all participants, we believe that the presiding judge will be in a better position to evaluate the relevance of particular issues and to preclude consideration of matters not germane to the filing in this docket.

Our preliminary examination of RG&E's filing and the pleadings indicates that the proposed rates, terms, and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the submittal for filing and suspend its operation as ordered below.

The Commission explained in *West Texas Utilities Company, supra*, that, where preliminary examination indicates that revised rates may be unjust and unreasonable but may not be substantially excessive, as described in *West Texas*, we will ordinarily suspend the rates for one day. Our review in this case suggests that the proposed rates may not be excessive. In any event, MEUA has requested only a one day suspension. Accordingly, we shall suspend the proposed rates, terms, and conditions for one day from the proposed effective date, to become effective, subject to refund, on July 2, 1983.

Two aspects of RG&E's filing require further comment. As noted, the submittal contains provisions requiring PANSY's customers to reimburse RG&E for (1) extraordinary costs incurred in constructing additional transmission facilities to meet projected increases in load, and (2) construction costs for system reinforcement to supply additional temporary load increases. We take this opportunity to advise RG&E that implementation of either provision will constitute a change in rate and will require a timely filing pursuant to § 35.13 of the Commission's regulations accompanied by appropriate data and computations showing the basis for the change in rate.

The Commission orders:

(A) RG&E's submittal is hereby accepted for filing and suspended for one day to become effective on July 2, 1983, subject to refund.

(B) The untimely interventions by PANSY and MEUA are hereby granted subject to the Commission's Rules of Practice and Procedure.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of RG&E's rates, terms, and conditions for the wheeling service at issue.

(D) The Commission's staff shall serve top sheets in this proceeding within ten (10) days of the date of this order.

(E) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(F) The Secretary shall promptly publish this order in the *Federal Register*

By the Commission  
Kenneth F. Plumb,  
Secretary.

[FR Doc. 83-14755 Filed 6-1-83; 9:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER83-427-000 and ER83-428-000]

**Utah Power & Light Co.; Order Accepting for Filing and Suspending Rates, Granting Summary Disposition, Noting Interventions, Consolidating Dockets, and Establishing Hearing and Price Squeeze Procedures**

Issued: May 27, 1983.

On March 31, 1983, Utah Power & Light Company (Utah) tendered for filing in Docket No. ER83-427-000 increased tariff rates for firm power service to 17 full and partial requirements wholesale customers.<sup>1</sup> At the same time Utah

<sup>1</sup> See Attachment A for rate schedule designations.

tendered for filing in Docket No. ER83-428-000 increased rates to the City of Manti, Utah (Manti) under a separate rate schedule. The proposed rates in Docket No. ER83-427-000 would increase revenues in two steps. The first step (Phase I) would increase revenues by approximately \$4,244,000 (6%) during the calendar year 1983 test period. The second step (Phase II) would further increase rates by approximately \$11,315,000 (23%), or a total increase of approximately \$15,559,000 (29%). The requested effective dates are May 31, 1983, and June 1, 1983, for the Phase I and Phase II rates, respectively. The proposed rates for Manti, essentially identical to the Phase II rates in Docket No. ER83-427-000, would result in an increase in annual revenues from that customer of approximately \$89,000 (101%), based on estimated sales for 1983. Utah requests that the increased rates to Manti become effective prospectively following a final Commission order, in accordance with Manti's service agreement.

Notice of the instant filings was published in the *Federal Register*,<sup>2</sup> with comments due on or before April 22, 1983.

Three timely interventions were filed in Docket No. ER83-427-000 and one timely intervention was filed in Docket No. ER83-428-000.

An untimely intervention was filed in Docket No. ER83-427-000 by the Navajo Tribal Utility Authority (NTUA). NTUA's motion to intervene was filed April 27, 1983, five days late, although the accompanying certificate of service states that it was mailed on April 21, 1983. NTUA states that it is a wholesale customer of Utah and that its interests will not be adequately represented by any other intervenor. NTUA requests that Utah's proposed rates be suspended for five months, although NTUA does not raise any specific substantive issues.

The Public Service Commission of Nevada filed a timely notice of intervention in Docket No. ER83-428-000 which raises no specific issues.

Sierra Pacific Power Company (Sierra) requests a hearing and identifies a number of cost of service and rate design issues in connection with Utah's filing. Sierra notes that the issue of transmission functionalization and allocation is a subject of litigation at this time in a pending Utah rate case in Docket No. ER82-211-000. With respect to Utah's proposed CWIP-based rates, Sierra reserves the right to contest the consistency of Utah's filing with any revised CWIP regulations ultimately

<sup>2</sup> 48 FR 15689 (April 12, 1983).

issued by the Commission. Sierra states that it has not had time to complete an in-depth analysis of Utah's filing, so that it may seek to raise other issues in addition to those discussed in its motion to intervene.<sup>3</sup>

The Tri-State Intervention Group (Tri-State)<sup>4</sup> filed a protest, motion to intervene, and motion to suspend Utah's rates for five months. Tri-State raises a variety of cost of service and rate design issues,<sup>5</sup> and alleges that the proposed rates would result in a price squeeze. Tri-State also contends that the Commission should apply its suspension analysis on a class-by-class basis, citing the Commission's order in *Ohio Power Company*, Docket Nos. ER82-533-000 and ER82-534-000, 20 FERC ¶61.081 (1982).

Manti filed a protest, motion to intervene, and motion to reject the filing in Docket No. ER83-428-000. Manti urges rejection of Utah's filing for Manti on the ground that it is unduly discriminatory because it provides for a larger percentage increase in rates for Manti than for Utah's other wholesale customers. Manti also challenges Utah's proposed ratchet for Manti and for Utah's other partial requirements customers. Manti alleges that the ratchet has been previously rejected in Opinion No. 113, *Utah Power & Light Company*, Docket No. ER79-121-000, 13 FERC ¶61.162 at 61,300 (1981). Manti contends that Utah's proposed ratchet is a further basis for rejection of Utah's filing. In the event that the filing is not rejected, Manti requests a hearing and consolidation with Docket No. ER83-427-000.

Utah filed timely responses to the motions by Manti and Tri-State on May 4, 1983, and May 9, 1983, respectively. Utah contends that Manti's motion to reject Utah's filing as discriminatory ignores the fact that Manti's contract status means that rates previously filed in Docket No. ER82-211-000 are not

currently in effect for Manti as they are for Utah's other customers. Utah contends that Manti's separate status as a customer with a contract allowing only for prospective rate changes makes a separate filing for Manti appropriate and makes consolidation of the two dockets inappropriate. Finally, Utah argues that Opinion No. 113, *supra*, does not preclude Utah from filing a rate design incorporating a ratchet.

Concerning the question of consolidation, Utah asserts that different evidentiary standards apply in proceedings under sections 205 and 206 of the Federal Power Act and that the timing of the effective dates for the proposed rates make the interests of Manti different from the interests of the other customers in pursuing prompt resolution of the proceeding. Utah also asks that if the Commission does consolidate the two dockets, it order Manti "to participate fully in the hearing and litigate the issues attendant to the [section] 206 proceeding so that the [section] 205 customers are not burdened with the prospect of trying those issues which are related solely to Manti's position."

In its response to Tri-State's pleading, Utah contends that Tri-State's arguments as to the percentage amount of the increase are fallacious inasmuch as they are based upon a comparison between the rates filed in this docket and settlement rates, rather than the rates currently being collected by Utah. Utah also argues against Tri-State's request that the Commission apply the criteria of *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61.189 (1982), on a class-by-class basis. Utah contends that the Commission's order in *Ohio Power Company*, *supra*, is not precedent for the treatment sought by Tri-State because in *Ohio Power Company* the Commission set different suspension periods for two different filings and because the customer in one of the two dockets was a subsidiary of Ohio Power Company. Utah argues that in this docket such a class-by-class analysis would lead to regulatory chaos.

Utah also contends that its Phase I rates comply fully with ratemaking principles that have been previously adopted by the Commission and that the Phase II rates reflect certain additional costs that are fully supported in Utah's filing. With respect to the Phase II rates, Utah contends that the inclusion of CWIP in rate base is an appropriate issue for hearing. Utah further contends that the inclusion of CWIP in rate base is not pertinent to the Phase I rates because no CWIP was included in rate

base for the cost of service supporting those rates.

#### Discussion

Pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely notice and motions to intervene serve to make the Nevada Commission, Manti, Sierra, and Tri-State parties to this proceeding. Because of the early stage of this proceeding, NTUA's late motion to intervene will not prejudice other parties or delay the proceeding, and we find that good cause exists to grant the motion.

Manti's motion to reject the filing in Docket No. ER83-428-000 will be denied. Manti's allegations of undue discrimination and Utah's response raise questions of law or fact most appropriately decided on the basis of an evidentiary record. We note, however, that the rates proposed to Manti and the remaining customers are virtually identical. Manti's allegations with regard to Utah's proposed ratchet do not constitute a basis for rejection of Utah's filing. It appears that Utah's proposed ratchet may be sufficiently different from the ratchet at issue in Opinion No. 113, *supra*, that its use is a proper issue for hearing. Because Utah's filing substantially complies with our regulations and no other basis for rejection has been identified, rejection is not warranted.<sup>6</sup>

With respect to the question of whether the two dockets should be consolidated for purposes of hearing and decision, we find that consolidation is appropriate in this proceeding. Utah has filed the same cost of service in support of the proposed rates in each docket. Common issues of law and fact are clearly presented and a failure to consolidate the dockets would pose substantial risk of redundancy and wasted resources. We are not persuaded that undue delay in the proceeding will result from this decision.<sup>7</sup>

We note that Utah has not synchronized the interest expense used in its income tax calculation with the interest portion of the claimed rate of return. Although Utah has properly calculated the interest in the capitalization for rate of return purposes, Utah has improperly included approximately \$154 million in investment tax credits as a separate

<sup>3</sup> See *Municipal Light Boards of Reading and Wakefield, Mass. v. FPC*, 450 F.2d 1341 (D.C. Cir. 1971).

<sup>4</sup> We believe that Utah's concern regarding the degree and substance of Manti's participation in the hearing presents questions of procedure best left for resolution by the presiding judge and the parties.

<sup>5</sup> In addition to the issues noted above, Sierra also raises the following issues: (1) Use of revenue credits for wheeling services; (2) classification of fixed and variable costs for allocation and rate design purposes.

<sup>6</sup> The group consists of Deseret Generation & Transmission Cooperative and its members; Strawberry Water Users Association; the Utah Cities of Blanding, Brigham, Levan, Nephi, Price, and St. George; and Soda Springs, Idaho.

<sup>7</sup> These issues include: (1) Adjustment of coincident peaks used to allocate demand-related costs; (2) claimed rate of return on equity; (3) inclusion of non-qualifying CWIP in rate base; (4) calculation of allowance for cash working capital; (5) deferred tax reserve deficiency; (6) accumulated deferred taxes as an offset to rate base; (7) impact of new generating capacity on cost of service; (8) use of revenue credits for firm wheeling revenues; (9) use of a demand ratchet; and (10) power factor charge.

component in the capitalization when developing the interest expense deduction for income taxes, resulting in a lower deduction than required. Commission policy and practice have consistently required the computation of the long-term debt cost component of the interest expense tax deduction as the product of a utility's allocated rate base and the weighted cost of long-term debt.\* Accordingly we shall order summary disposition as to this issue.

With respect to Utah's inclusion of CWIP in rate base for its Phase II rates and for its rates to Manti, we note that the Commission recently reassessed its CWIP standards in Docket No. RM81-83-000. A final rule was issued in the docket on May 16, 1983. The company, however, based its request in this docket on the anticipated outcome of that rulemaking proceeding; Utah had not alleged that it was experiencing severe financial difficulty under section 2.16 of our regulations as it existed at the time of Utah's filing. We note that the final rule in Docket No. RM81-38-000 provides expressly that it does not become effective until thirty days after publication in the **Federal Register**; the rule further provides the specific filing requirements and conditions under which a utility may file to include CWIP in rate base on and after the effective date of the rule. Thus, the new regulations cannot apply to anticipatory filings such as Utah's. Accordingly, we shall reject Utah's proposed inclusion of CWIP in rate base, without prejudice to Utah's right to file revised rates after the effective date of the new rules, together with any requests for waivers which Utah might seek. Given the magnitude of our summary dispositions with regard to CWIP and the question of interest synchronization, we shall require Utah to refile its Phase II rates and its rates to Manti to reflect these determinations. As noted below, however, we have determined preliminarily that the Phase I rates may not be excessive. Consequently, refiling of those rates will not be required at this time.

Our preliminary review of Utah's filing and the pleadings indicates that the rates proposed in these dockets have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the

proposed rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In *West Texas Utilities Company*, *supra*, we indicated that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not produce substantially excessive revenues, as defined in *West Texas*. Because our preliminary review indicates that Utah's proposed Phase I Rates may not yield excessive revenues, we shall suspend those rates for one day to become effective, subject to refund, on June 1, 1983. With respect to the Phase II rates, however, preliminary review suggests that, even after summary disposition, the proposed increase may yield substantially excessive revenues. Accordingly, we shall suspend the Phase II rates for five months, to become effective, as modified by summary disposition and subject to refund, on November 1, 1983.<sup>9</sup> Utah's proposed rates for Manti, as modified by summary disposition, may become effective prospectively only following a final Commission order in this proceeding.

In accordance with the Commission's policy and practice established in *Arkansas Power & Light Company*, Docket No. ER79-339-000 8 FERC ¶ 61,131 (1979), we shall phase the price squeeze issue raised by Tri-State.

The Commission orders:

(A) Manti's motion to reject the filing in Docket No. ER83-428-000 is hereby denied.

(B) Summary disposition is hereby ordered with respect to: (1) Utah's failure to properly synchronize the interest expense in the income tax calculation with the interest portion of the claimed rate of return; and (2) Utah's inclusion of non-qualifying CWIP in rate base for its Phase II rates in Docket No. ER83-427-000 and for its proposed rates to Manti in Docket No. ER83-428-000. Within sixty (60) days of the date of this order, Utah shall file a revised cost of service as well as revised Phase II rates and rates to Manti which reflect these determinations.

(C) Utah's proposed Phase I and Phase II rates in Docket No. ER83-427-000 are hereby accepted for filing; the Phase I rates are suspended for one day from sixty days after filing, to become effective, subject to refund, on June 1, 1983, and the Phase II rates are suspended for five months to become

effective, as modified by summary disposition and subject to refund, on November 1, 1983.

(D) Utah's proposed rates for Manti in Docket No. ER83-428-000 are accepted for filing, as modified by summary disposition to become effective prospectively only following a final Commission order in this proceeding.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of Utah's rates.

(F) Docket Nos. ER83-427-000 and ER83-428-000 are hereby consolidated for purposes of hearing and decision.

(G) NTUA's late-filed motion to intervene is hereby granted pursuant to the Commission's Rules of Practice and Procedure.

(H) The Commission staff shall serve top sheets in this proceeding on or before June 14, 1983.

(I) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(J) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rates which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(K) The Secretary shall promptly publish this order in the **Federal Register**.

\* See, e.g., *Gulf States Utilities Company*, Docket No. ER82-375-000, 20 FERC ¶ 61,039 (1982); *Public Service Company of New Mexico*, Opinion No. 133, Docket No. ER78-338-000 (Phases I and II), 17 FERC ¶ 61,123 (1981); *Union Electric Company*, Opinion No. 94, Docket No. ER77-614-000, 12 FERC ¶ 61,239 (1980); *Alabama Power Company*, Opinion No. 54, Docket No. E-8851, 8 FERC ¶ 61,083 (1979).

<sup>9</sup> We believe that our decision with regard to the suspension period for the Phase II rates moots the controversy between Utah and Tri-State over suspension on a class-by-class basis.

By the Commission.  
Kenneth F. Plumb,  
Secretary.

**Attachment A—Utah Power & Light Company**

[Docket No. ER83-427-000]

Filing Date: March 31, 1983.

Effective Date: Phase I: June 1, 1983,  
subject to refund; Phase II: November 1,  
1983, subject to refund.

Designation	Description
(1) FERC Electric Tariff, First Revised Volume No. 1 (Original Sheet Nos. 1 through 15.A) (Supersedes FPC Electric Tariff, Original Volume No. 1).	Phase I rates.
(2) Exhibit A to FERC Electric Tariff, First Revised Volume No. 1 (Redesignation of Exhibit A to FPC Electric Tariff, Original Volume No. 1).	Operating Agreement with American Coal Company dated March 20, 1972.
(3) FERC Electric Tariff, Second Revised Volume No. 1 (Original Sheet Nos. 1 through 15.A) (Supersedes FERC Electric Tariff, First Revised Volume No. 1).	Phase II rates.
(4) Exhibit A to FERC Electric Tariff, Second Revised Volume No. 1 (Redesignation of Exhibit A to FERC Electric Tariff, First Revised Volume No. 1).	Operating Agreement with American Coal Company dated March 20, 1972.

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[Docket No. ER83-430-000]

**Virginia Electric & Power Co.; Order Accepting for Filing and Suspending Rates, Granting Summary Disposition, Noting Interventions, and Establishing Hearing and Price Squeeze Procedures**

Issued: May 27, 1983.

On March 31, 1983, Virginia Electric and Power Company (VEPCO) tendered for filing a proposed three-phase increase in rates for firm power service to ten municipal customers, eighteen cooperative customers, and the North Carolina Eastern Municipal Power Agency (NCEMPA). VEPCO also tendered for filing a three-phase increase in rates for transmission service to NCEMPA.<sup>1</sup>

The Phase-one rates provide for an increase in jurisdictional revenues of approximately \$15.1 million (6.8%) for the calendar year 1983 test period. The Phase-two rates would increase jurisdictional revenues by an additional \$8.9 million. The difference between the Phase-one and Phase-two rates consists of a higher rate of return on common equity and the inclusion in rate base of the unamortized costs associated with the company's cancellation of its

nuclear facility at North Anna Unit 3. Finally, the Phase-three rates represent an additional increase of \$10.3 million; this portion of the increase reflects the inclusion in rate base of 50% of VEPCO's average construction work in progress (CWIP) for the test period. According to the company, the third phase has been submitted as a result of public discussions by the Commission relating to the pending generic CWIP rulemaking in Docket No. RM81-38-000.

VEPCO requests "effective dates" of May 30, 1983, and May 31, 1983, for its proposed Phase-one and Phase-two rates, respectively. However, in accordance with a settlement agreement between VEPCO and its customers in Docket No. ER82-423-000, VEPCO requests that these rates be suspended until July 15, 1983. Moreover, VEPCO states that the Phase-one rates should be deemed withdrawn if the Commission suspends these rates beyond July 15, 1983, or if it suspends the Phase-two rates to no later than July 15, 1983. With respect to its Phase-three rates, VEPCO requests an effective date of May 31, 1983, with suspension until July 15, 1983, or until such later date as a final rule in Docket No. RM81-38-000 becomes effective. In this regard, VEPCO requests that the Phase-three rates become effective as a supplement to whatever rates are then in effect. As a related matter, VEPCO requests permission to supplement its filing to include any additional information that might be required by a final CWIP rule in Docket No. RM81-38-000.

Notice of the filing was published in the *Federal Register*, with responses due on or before April 25, 1983. The period for responses was later extended until May 2, 1983. The Secretary of the Navy (Navy) filed a timely motion to intervene. The Navy states that while VEPCO's Military Service (MS) rate schedule is not subject to this Commission's jurisdiction, the terms of the Navy's contract with VEPCO link the MS rates to the rates set by the Commission for the RS rate schedule (Resale Service to Municipalities and Private Utilities). In developing rates for service to the Navy, VEPCO utilizes the same methodology, rate of return, test period, and effective date as those permitted with respect to the RS rate schedule.

Bear Island Paper Company (Bear Island) also filed a timely motion to intervene. Bear Island states that it is a high load factor industrial customer which purchases power furnished by VEPCO to the Rappahannock Electric Cooperative. Bear Island contends that its interests will not be adequately

represented by other parties to this proceeding. While Bear Island raises no specific cost of service issues, it requests that VEPCO's proposed rates be suspended for five months and that hearing procedures be established.

On May 2, 1983, Old Dominion Electric Cooperative and Northern Virginia Electric Cooperative (Virginia Cooperatives) filed a motion to intervene. The Virginia Cooperatives request rejection of the filing on the grounds that the company's proposed Phase-one rates are not supported by a separate cost of service study. The Virginia Cooperatives also request rejection of the Phase-three CWIP rates on the grounds that the request is inconsistent with the Commission's current regulations concerning inclusion of CWIP in rate base. If the filing is not rejected, a five month suspension is requested for all three phases of VEPCO's increase. The Virginia Cooperatives support this suspension request on the basis of a number of alleged errors reflected in VEPCO's cost of service calculations.<sup>2</sup> In addition, the Virginia Cooperatives request that the Commission grant summary disposition with respect to the company's inclusion in rate base of the unamortized costs associated with the cancellation of North Anna Unit No. 3. Finally, the Virginia Cooperatives allege that the proposed rates may result in a price squeeze.

On May 2, 1983, separate motions to intervene were filed by (1) Electricities of North Carolina and the North Carolina Eastern Municipal Power Agency (Electricities), and (2) the North Carolina Electric Membership Corporation and Albemarle Electric Membership Corporation (North Carolina Cooperatives). These pleadings contain many of the same requests as those advanced by the Virginia Cooperatives. Electricities and the North Carolina Cooperatives also request rejection of the filing, rejection of the proposed Phase-three rates or a maximum suspension of all three phases, and summary disposition as to VEPCO's inclusion in rate base of plant cancellation costs. With respect to the price squeeze issue, the North Carolina Cooperatives ask that the price squeeze claims be heard initially rather than phased for later consideration.<sup>3</sup>

<sup>1</sup>These issues include rate of return, the mechanics of interest synchronization, support for O&M expenses, and the rate base and expense treatment of a facilities sale during the test period.

<sup>2</sup>The North Carolina Cooperatives raise several of the issues identified by the Virginia Cooperatives as well as the calculation of AFUDC amounts and wholesale coincidence factors, and the claimed

<sup>3</sup>See Attachment A for customers and rate schedule designations.

On May 13, 1983, VEPCO filed a response to the motions of the Virginia Cooperatives, ElectricCities, and North Carolina Cooperatives. VEPCO argues, *inter alia*, that there is no basis for the Commission to reject the entire filing or the Phase-three CWIP rates. VEPCO also argues that the Commission should deny the request for summary disposition with respect to VEPCO's inclusion in rate base of plant cancellation costs. If summary disposition is granted on this issue, however, VEPCO requests permission to amortize the cancellation costs over a five year period, instead of the ten year period reflected in VEPCO's originally filed rates and prepared testimony. The Company suggests that this approach would preclude the need to file reduced rates to reflect the summary disposition. Finally, VEPCO denies the existence of a price squeeze and argues, further, that its cost of service justifies its requested suspension period. VEPCO agrees with the intervenors on one point. The company states that it erred in the calculation of an interest expense deduction for income tax purposes and suggest that its rates should be refiled to reflect the appropriate calculation.

On May 18, 1983, ElectricCities filed a pleading amplifying its May 2, 1983 motion. The additional discussion was prompted by two intervening Commission actions: revised rules pertaining to CWIP issued on May 16, 1983, in Docket No. RM81-38-000; and a Commission decision in *Public Service Company of New Mexico*, Opinion No. 164, Docket No. ER81-187-000; issued May 13, 1983.

#### Discussion

Under Rule 214(c)(1) of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely motions to intervene serve to make the Navy, Bear Island, the Virginia Cooperatives, the North Carolina Cooperatives, and ElectricCities parties to this proceeding.

Contrary to the intervenors' claims, we find that VEPCO's filing as it relates to its Phase-one and Phase-two rates substantially complies with the Commission's filing requirements.<sup>4</sup>

cash working capital allowance. ElectricCities also raise a variety of additional issues including, *inter alia*, stated levels of materials and supplies, fuel stocks, wages and salaries, and demand and energy projections; treatment of gains associated with facilities sales; the amortization period for recovery of cancelled plant costs; assignment of retail costs to wholesale customers; normalization procedures; and accrual of AFUDC on CWIP amounts included in rate base.

<sup>4</sup> See *Municipal Light Boards of Reading and Wakefield, Mass. v. FERC*, 450 F. 2d 1341 (D.C. Cir. 1971).

Consistent with our determination in *Southern California Edison Company*, 19 FERC 61,209 (1982), we believe that it is unnecessary to require VEPCO to file a separate cost of service for both the Phase-one and Phase-two rates. Accordingly, the motions to reject the filing on this basis will be denied.

However, the Commission will grant the requests to reject VEPCO's proposed Phase-three rates. As noted, the company sought to justify filing these rates based on discussions held during a Commission meeting relating to a pending rulemaking; VEPCO has not alleged that it was experiencing severe financial difficulty under § 2.16 of our regulations as it existed at the time of VEPCO's filing. While VEPCO offered to make its Phase-three rates effective only after issuance of a final CWIP rule and to supplement it filing if necessary, this portion of VEPCO's filing did not satisfy the then-effective CWIP criteria. As noted, the Commission issued revised CWIP regulations on May 16, 1983, in Docket No. RM81-38-000. The final rule, however, expressly provides that it does not become effective until thirty days after publication in the *Federal Register*; the rule further provides the specific filing requirements and conditions under which a utility may file to include CWIP in rate base *on and after* the effective date of the rule. Thus, the new regulations cannot apply to anticipatory filings such as VEPCO's. Accordingly, we shall reject VEPCO's Phase-three rates without prejudice to VEPCO's right to file revised rates after the effective date of the revised rules, together with any requests for waivers which VEPCO might seek.

We shall also grant summary disposition with respect to VEPCO's inclusion in rate base of the cancellation costs associated with its North Anna Unit No. 3. This proposed treatment by VEPCO is contrary to well-established Commission precedent. See, e.g., *New England Power Co.*, Opinion No. 49, 8 FERC ¶ 61,054 (1979), *aff'd sub nom.*, *NEPCO Municipalities Committee v. FERC*, 668 F. 2d 1327 (D.C. Cir. 1981); *Virginia Electric and Power Company*, Opinion No. 118, 15 FERC ¶ 61,052 (1983); and *Central Maine Power Company*, Docket Nos. ER82-155-000, *et al.*, 18 FERC ¶ 61,126 (1982). We note that VEPCO's prefiled testimony on this issue does not provide a basis for distinguishing this precedent. We also reject the company's alternative request to permit it to amortize these costs over a period other than that reflected in its prepared testimony and filed rates. VEPCO was free to develop its proposed rates and supporting testimony as it saw

fit. Its decision was to develop rates reflecting a rate base inclusion contrary to established Commission precedent while proffering testimony supporting a ten year amortization period as consistent with prior Commission treatment of VEPCO cancellation costs. VEPCO has offered no support in its original filing or in its May 13 response for an amortization period other than ten years. The Commission "has long held that utilities may not present a 'moving target' by offering alternative justifications for previously filed rates." *Jersey Central Power & Light Company*, Docket No. ER82-426-000, 20 FERC ¶ 61,083 (1982). Because the revenue impact of our determination with respect to rate base inclusion of cancelled plant costs is substantial, VEPCO will be required to revise its Phase-two rates in accordance with our summary disposition.

We shall accept VEPCO's suggestion that it revise its rates to correct the calculation of the interest expense deduction for income tax purposes. Accordingly, the revised rates ordered herein shall also reflect this correction.

Our preliminary review of VEPCO's Phase-one and Phase-two rates and the intervenors' pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. As discussed below, we shall accept VEPCO's Phase-two rates for filing, as modified by summary disposition, and we shall suspend them as ordered below.

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for five months where preliminary review indicates that the proposed increase may be unjust or unreasonable and may generate substantially excessive revenues, as defined in *West Texas*. Since our preliminary review indicates that both the Phase-one rates and the Phase-two rates, after summary disposition, would yield substantially excessive revenues, we shall suspend VEPCO's proposed Phase-two rates for five months, to become effective on October 31, 1983, subject to refund. Consistent with the company's request, we shall deem the Phase-one rates to have been withdrawn.

In accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339, 8 FERC ¶ 61,131

(1979), we shall phase the price squeeze issue raised by the intervenors.<sup>5</sup>

The Commission orders:

(A) The motions to reject VEPCO's filing in its entirety are hereby denied.

(B) The motions to reject VEPCO's Phase-three rates are hereby granted.

(C) Summary disposition is hereby ordered, as noted in the body of this order, with respect to the company's inclusion in rate base of the costs associated with the cancellation of North Anna Unit No. 3. In accordance with VEPCO's suggestion, the calculation of VEPCO's interest expense deduction shall also be corrected. VEPCO's request to incorporate a five year amortization period for cancelled plant costs is denied. Within sixty (60) days of the date of this order, VEPCO shall refile its rates and supporting cost data to reflect these determinations.

(D) VEPCO's proposed Phase-two rates are hereby accepted for filing, as modified by summary disposition, and are suspended to become effective on October 31, 1983, subject to refund. The Phase-one rates are deemed to have been withdrawn.

(E) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of

<sup>5</sup> Based on the information available thus far, we perceive no basis on which to depart from our existing phasing practice as requested by the North Carolina Cooperatives. However, we note that, under that practice, the presiding judge has discretion to modify the procedural schedule where good cause is found to do so. (See Ordering Paragraph (H), *infra*).

Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules of Practice and Procedure and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of VEPCO's rates.

(F) The Commission staff shall serve top sheets within ten (10) days of the date of this order.

(G) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service of top sheets in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(H) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may modify this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may

be modified prior to the initiation of the price squeeze phase of this proceeding.

(I) The Secretary shall promptly publish this order in the Federal Register.

By the Commission:  
Kenneth F. Plumb,  
Secretary.

#### Attachment—Virginia Electric and Power Company

[Docket No. ER83-430-000]

#### Rate Schedule Designations

Designations	Tariff customers
Eleventh Revised Sheet Nos. 4 through 9 and 17 and Twelfth Revised Sheet No. 10 to FPC Electric Tariff, First Revised Volume, No. 1 (supersedes Tenth Revised Sheet Nos. 4 through 9 and 17 and Eleventh Revised Sheet No. 10).	Town of Blackstone, Town of Culpeper, Town of Elkton, Town of Enfield, Town of Franklin, City of Hamsonburg, Town of Iron Gate, City of Manassas, Town of Wakefield, Town of Windsor.

Designation	Description
Supplement No. 4 to Supplement No. 3 to Rate Schedule FERC No. 102 (supersedes Supplement No. 3 to Supplement No. 3)	Schedule RS-A, Interim Electric Service to North Carolina Eastern Municipal Power Agency.
Supplement No. 5 to Supplement No. 3 to Rate Schedule FERC No. 102 (New Sheet No. 7)	Article 4, Service Facilities
Supplement No. 3 to Supplement No. 4 to Rate Schedule FERC No. 102 (Supersedes Supplement No. 2 to Supplement No. 4)	Schedule TS-A, Transmission Service to North Carolina Eastern Municipal Power Agency.
Supplement No. 4 to Supplement No. 4 to Rate Schedule FERC No. 102 (New Page 7)	Revised Facilities Charge Schedule TS-A.

Customer	Rate schedule	Schedule RC <sup>1</sup>		Schedule RC-F <sup>2</sup>		Schedule RC—interruptible <sup>3</sup>	
		Supplement No.	Supersedes	Supplement No.	Supersedes	Supplement No.	Supersedes
B-A-R-C EC	78	48	44	49	45	50	41
Community EC	77	60	56	51	57	62	53
Craig-Botetourt EC	78	45	41	46	42	47	38
Mecklenburg EC	79	71	67	72	68	73	64
Northern Neck	80	52	48	53	49	54	45
Prince George EC	82	59	49	54	50	55	46
Prince George EC	83	74	70	75	71	76	67
Shenadoah Valley EC	84	72	68	73	69	74	65
Southside EC	85	76	72	77	73	78	69
Tn-County EC	86	51	47	52	48	53	44
Albermarle EMC	88	51	47	52	48	53	44
Cape Hatteras EMC	89	30	32	37	33	38	29
Edgecombe-Martin County EMC	90	52	48	53	49	54	45
Halifax EMC	91	44	40	45	41	46	37
Roanoke EMC	92	56	52	57	53	58	49
Tideland EMC	93	43	37	42	38	43	34
Central Virginia EC	94	62	57	63	58	64	54
Rappahannock EC	101	52	48	53	49	54	45

<sup>1</sup> Firm Resale Service Schedule RC.

<sup>2</sup> Excess Facilities Service Schedule RC-F.

<sup>3</sup> Interruptible Service Schedule RC—Interruptible.

[Docket No. ER83-429-000]

**Wisconsin Power & Light Co., Order Accepting for Filing and Suspending Rates, Noting Interventions, Denying Motion To Reject, Granting Summary Disposition, and Establishing Procedures**

Issued: May 27, 1983.

On March 31, 1983, Wisconsin Power and Light Company (WP&L) filed a proposed two-step rate increase for service to forty-one wholesale customers.<sup>1</sup> The proposed step-one rates would increase revenues by approximately \$1.3 million (2.6%) for the twelve month test period ending June 30, 1984. The step-two rates would result in an additional increase of approximately \$1.6 million (3.1%). WP&L proposes that the step-one rate increase become effective on July 1, 1983, and that the step-two rates become effective prospectively only after a final Commission order.<sup>2</sup>

Notice of the filing was published in the Federal Register, with comments due on or before April 25, 1983. On April 18, 1983, the Public Service Commission of Wisconsin filed a notice of intervention. On April 22, 1983, WP&L's cooperative customers (Cooperatives)<sup>3</sup> filed a protest, motion to intervene, motion to reject, request for a five month suspension, and request for price squeeze procedures. On April 25, 1983, the Municipal Wholesale Power Group (MWPG) filed a motion to intervene, request for a five month suspension, motion for summary disposition, and request for an investigation and hearing. MWPG is an association of wholesale purchasers, including 34 municipalities, two small private electric companies, and the Wisconsin Public Power Incorporated System (WPPI System), a municipal electric system.<sup>4</sup>

The Cooperatives request that WP&L's proposed filing be rejected, asserting that WP&L has not provided adequate supporting work papers as required by the Commission's regulations. In the alternative, the Cooperatives request that WP&L's proposed rates be suspended for five months. In support of their request for a five month suspension, the Cooperatives raise numerous cost of service issues including: (a) Overstated materials and supplies, fuel stocks, and cash working capital allowance; (2) excessive expense projections, depreciation rates, and reserve capacity; (3) failure to synchronize fuel adjustment clause revenues and fuel expenses; and (4) improper allocation of administrative and general expenses and other expenses. In addition, the Cooperatives request that the Commission initiate a price squeeze investigation.

MWPG also requests a five month suspension and has raised a number of issues including: (1) Excessive return on equity; (2) overstated expense projections; (3) excessive fuel stocks; (4) improper allocation factors; and (5) inclusion of an inappropriate amount for spent nuclear fuel disposal costs in the test year. In addition to its request for a maximum suspension, MWPG requests summary disposition with respect to WP&L's failure to synchronize fuel adjustment clause revenues and fuel expenses during the test year. MWPG also alleges price squeeze.

WP&L filed a timely response to the MWPG pleading on May 9, 1983. WP&L asserts that almost all of the issues raised by MWPG relate to the proposed step-two rates, which will only be applied prospectively. According to WP&L, MWPG will, therefore, have ample opportunity to substantiate these allegations before the imposition of final rates. WP&L further contends that MWPG has failed to support its request for a five month suspension of the step-one rates. With respect to the fuel synchronization issue, WP&L contends that the method it has used in its filing is mandated by the terms of the settlement agreement between itself and MWPG in Docket Nos. ER80-297 and ER82-188-000.

**Discussion**

Under Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), the timely notice and motions to intervene serve to make the Public Service Commission of Wisconsin, the Cooperatives, and MWPG parties to the proceeding absent opposition within

that filing, the five WPPI members would no longer be direct customers of WP&L.

fifteen days of their respective pleadings.

Contrary to the Cooperatives' contentions, we find that WP&L's submittal substantially complies with the Commission's filing requirements. As a result, the motion to reject WP&L's filing will be denied.<sup>5</sup>

As noted by the intervenors, WP&L has failed to synchronize fuel adjustment clause revenues and fuel expenses during the test year. According to WP&L, MWPG and the W-2 customers opposed its fuel synchronization method in Docket No. ER80-297. WP&L further contends that its calculation in this filing is identical to that underlying the settlement agreements in Docket Nos. ER80-297 and ER82-188-000. WP&L believes that if MWPG is permitted to raise an objection to the method used in the filing, WP&L will be placed in a "catch-22" position since MWPG could justifiably claim that WP&L must abide by the method used in the two earlier dockets. (Response at 13). Consequently, WP&L contends that the issue should be resolved during a hearing. We disagree.

Contrary to WP&L's contentions, the settlement agreements in the earlier dockets do not bar WP&L from making a filing which properly synchronizes fuel expenses and revenues. The agreements merely precluded WP&L from seeking rate design changes in this wholesale rate filing. Synchronization of test period fuel expenses and revenues is a cost of service adjustment affecting revenue requirements and has no effect on the design of the company's base rates or fuel adjustment clauses. Thus, consistent with established Commission precedent,<sup>6</sup> we shall grant the intervenor's request for summary disposition and require that the company's cost of service and rates developed at the conclusion of this proceeding reflect an appropriate synchronization of test period fuel expenses and revenues.

Our preliminary review of WP&L's filing and the pleadings indicates that the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the rates for filing and suspend them as ordered below.

<sup>1</sup> See *Municipal Light Boards of Reading & Wakefield, Massachusetts v. FPC*, 450 F. 2d 1341 (D.C. Cir. 1971).

<sup>2</sup> See, e.g., *Gulf States Utilities Company*, Docket No. ER82-375-000, 20 FERC ¶ 61,039 (1982); *Mississippi Power Company*, Docket No. ER83-194-000, 22 FERC ¶ 61,141 (1983).

<sup>1</sup> WP&L serves 34 municipalities and two private utilities under its Rate Schedule W-3 and five cooperative customers under its Rate Schedule W-2. See Attachment A for rate schedule designations and affected customers.

<sup>2</sup> Pursuant to a prior settlement agreement between WP&L and its wholesale customers in Docket No. ER82-188-000, the step-two increase may only be effective prospectively after a final Commission order.

<sup>3</sup> The five cooperative customers are: Adams-Marquette Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Waushara County Electric Cooperative, Inc., and Rock County Electric Cooperative Association.

<sup>4</sup> Five of the WPPI System members, Boacobel, Cuba City, Muscoda, Waunakee, and Waupun, are presently direct customers of WP&L. They have contracted, however, to receive power from the WPPI System which, in turn, has contracted to receive power from WP&L. WP&L filed this agreement on April 19, 1983. Upon acceptance of

In *West Texas Utilities Company*, Docket No. ER82-23-000, 18 FERC ¶ 61,189 (1982), we noted that rate filings would ordinarily be suspended for one day where preliminary review indicates that the proposed increase may be unjust and unreasonable but may not generate substantially excessive revenues, as defined in *West Texas*. Our preliminary review indicates that WP&L's proposed step-one increase may not yield excessive revenues. Under these circumstances, we shall suspend the step-one rates for one day from the requested effective date to become effective, subject to refund, on July 2, 1983. With respect to WP&L's step-two rates, preliminary review suggests that the proposed increase may yield substantially excessive revenues. However, as noted, WP&L seeks to apply the step-two rates prospectively only. Accordingly, consistent with the Company's request we shall set WP&L's proposed step-two rate for investigation, to become effective following a final Commission order in this proceeding.

In light of the intervenors' price squeeze allegations, we shall institute price squeeze procedures and phase those procedures in accordance with the Commission's policy and practice established in *Arkansas Power and Light Company*, Docket No. ER79-339, 8 FERC ¶ 61-131 (1979).

*The Commission orders:*

(A) The Cooperatives' motion to reject is hereby denied.

(B) MWPC's motion for summary disposition is hereby granted. WP&L shall reflect synchronized fuel clause revenues and fuel expenses in its compliance cost of service and rates at the conclusion of this proceeding.

(C) WP&L's submittal is hereby accepted for filing. The proposed step-one rates are suspended for one day to become effective, subject to refund, on July 2, 1983. The proposed step-two rates may become effective prospectively only from the date of a final Commission order in this proceeding.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the Department of Energy Organization Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's Rules and Practice and Procedure and the regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held concerning the justness and reasonableness of WP&L's rates.

(E) The Commission staff shall serve top sheets in this proceeding on or before June 13, 1983.

(F) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days after service to top sheets, in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The presiding judge is authorized to establish procedural dates and to rule on all motions (except motions to dismiss) as provided in the Commission's Rules of Practice and Procedure.

(G) The Commission hereby orders initiation of price squeeze procedures and further orders that this proceeding be phased so that the price squeeze procedures begin after issuance of a Commission opinion establishing the rate, which, but for consideration of price squeeze, would be just and reasonable. The presiding judge may order a change in this schedule for good cause shown. The price squeeze portion of this case shall be governed by the procedures set forth in § 2.17 of the Commission's regulations as they may be modified prior to the initiation of the price squeeze phase of this proceeding.

(H) The Secretary shall promptly publish this order in the *Federal Register*.

By the Commission.

Kenneth F. Plumb,  
Secretary.

**Attachment—Wisconsin Power & Light Co. Rate Schedule Designations**

[Docket No. ER83-429-000]

**STEP ONE RATES<sup>1</sup>**

Customer	Supplement No.	Rate schedule No.	Supersedes supplement No.
W-3 CUSTOMERS			
City of Evansville	21	29	19
Village of Gresham	22	31	20
Village of New Glarus	21	39	19
Village of Hustiford	20	71	18
City of Sun Prairie	20	73	18
City of Plymouth	19	75	17
Village of Muscoda	21	76	19
City of Boscobel	19	77	17
City of Cuba City	20	79	18
City of Waupun	19	82	17
City of Brodhead	21	83	19
Village of Sauk City	18	84	16
City of Juneau	18	86	16
City of Benton	18	88	16
City of Reedsburg	16	89	15
Village of Hazel Green	17	91	15
Village of Mt. Horeb	18	92	16
Village of Black Earth	12	116	10
Village of Prairie du Sac	18	95	16
City of Wisconsin Dells	11	125	9
City of Sheboygan Falls	2	131	1
City of Lodi	17	101	15
Village of Pardeville	16	102	14
Village of Wonewoc	14	107	12
Village of Mazomanie	14	108	12
Village of Maunakee	14	109	12
Village of Belmont	14	110	12

**STEP ONE RATES<sup>1</sup>—Continued**

Customer	Supplement No.	Rate schedule No.	Supersedes supplement No.
Village of Footville	14	111	12
City of Sloughton	12	115	10
Pioneer Power & Light Company	12	118	10
City of Princeton	11	121	9
City of Columbus	10	126	8
Cross Plains Electric Company	11	117	9
City of Shullsburg	9	120	8
City of Wisconsin Rapids	10	122	9
W-2 CUSTOMERS			
Adams-Marquette Electric Cooperative	13	112	12
Central Wisconsin Electric Cooperative	11	113	10
Columbus Electric Cooperative	6	128	5
Wauzara County Electric Cooperative	6	129	5
Rock County Electric Cooperative	3	130	2

<sup>1</sup> Step Two rates to be designated after final Commission Order.

[FR Doc. 83-14758 Filed 6-1-83; 8:45 am]

BILLING CODE 6717-01-M

**Office of the Secretary**

**National Petroleum Council, Chemical Task Group of the Committee on Enhanced Oil Recovery; Meeting**

Notice is hereby given that the Chemical Task Group of the Committee on Enhanced Oil Recovery will meet in June 1983. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Enhanced Oil Recovery will investigate the technical and economic aspects of increasing the Nation's petroleum production through enhanced oil recovery. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location, and agenda of the Chemical Task Group meeting follows:

The Chemical Task Group will hold its seventh meeting on Tuesday and Wednesday, June 7 and 8, 1983, starting at 10:00 a.m., in Room 112, Phillips Petroleum Company, Research Forum, Bartlesville, Oklahoma.

The tentative agenda for the Chemical Task Group Meeting follows:

1. Opening remarks by the Chairman and Government Cochairman.
2. Review progress of Task Group study assignments.
3. Discuss any other matters pertinent to the overall assignment from the Secretary of Energy.

The meeting is open to the public. The Chairman of the Chemical Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Chemical Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G.J. Parker, Office of Oil, Gas and Shale Technology, Fossil Energy, 301/353-3032, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 1E-190, DOE Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on May 26, 1983.

Donald L. Bauer,

Principal Deputy Assistant Secretary for Fossil Energy.

[FR Doc. 83-14649 Filed 6-1-83; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51466; TSH-FRL 2362-4]

### Certain Chemicals; Premanufacture Notices

#### Correction

In FR Doc. 83-12722, beginning on page 21370, in the issue of Thursday, May 12, 1983, on page 21371, in the second column, in the eighth line under "PMN 83-687", "110.25" should read "10.25".

BILLING CODE 1505-01-M

[ORD-FRL 2374-62]

### Draft Health Assessment Document for Manganese

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability.

SUMMARY: On May 5, 1983 (48 FR 20281), EPA announced the availability of three draft Health Assessment Documents on metals prepared by the Office of Health and Environmental Assessment of the Office of Research and Development. In order to have a thorough review of the scientific aspects of these documents, external review drafts will be transmitted to the Agency's Science

Advisory Board (SAB) for review, and simultaneously, will be made available for public review and comment.

The titles and publication numbers of the draft assessment documents are:

Title	EPA publication No.
Health assessment document for nickel.....	600/8-83-012
Health assessment document for manganese	600/8-83-013
Health assessment document for chromium	600/8-83-014

The draft Health Assessment Document for Nickel became available for public review on May 16 and the Agency will accept public comments until July 15.

The draft Health Assessment Document for Manganese will be available for public review on or about June 13 and the Agency will accept public comments until August 12.

The draft Health Assessment Document for Chromium will tentatively be available in mid June. There will be a further announcement in the Federal Register specifying the exact date for the release of the Chromium document.

After receipt of all comments on the three documents, public meetings will be held to review these documents. Advance notices announcing the time and place for the SAB public meetings and document agenda will be made in the Federal Register.

Those persons interested in commenting on the scientific merit of the draft Manganese document will be able to obtain copies as follows:

(1) The draft document will be available in single copy quantity from EPA at the following address: ORD Publication's—CERI-FR, U.S. Environmental Protection Agency, Cincinnati, Ohio 45268, Tel: 513/684-7562. Requesters should be sure to cite the EPA number assigned to the document.

(2) The draft document will also be available for public inspection and copying at the EPA library at Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Commenters are requested to submit comments in writing. Comments must be received by close of business, August 12, in order to be considered. Address comments to: Dr. Linda Erdreich, Environmental Criteria and Assessment Office, U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

### FOR FURTHER INFORMATION CONTACT:

For Manganese—Dr. Linda Erdreich, Tel: 513/684-7573.

Courtney Riordan,

Acting Assistant Administrator for Research and Development.

[FR Doc. 83-14741 Filed 6-1-83; 8:45 am]

BILLING CODE 6560-50-M

[OW-FRL 2374-3]

### National Drinking Water Advisory Council; Open Meeting

Under Section 10(a)(2) of Pub. L. 92423, "The Federal Advisory Committee Act," notice is hereby given that a meeting of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. 300f *et seq.*), will be held at 9:00 a.m. on June 23, 1983, and at 8:30 a.m. on June 24, at EPA Headquarters, Room 3906, Mall Area, 401 M Street, SW., Washington, D.C. 20460. Council Subcommittees will be meeting at EPA Headquarters on June 22, 1983.

The purpose of the meeting will be an initial review of the Advance Notice of Proposed Rulemaking on the Revised Regulations, a review of soon to be proposed Regulations for Federally Administered UIC Programs for twenty-two States and Territories, a review of the Council's position on the fluoride standard in view of a second report from the Surgeon General (if received), and to consider potential changes to the Safe Drinking Water Act which may be currently before Congress.

This meeting will be open to the public. The Council encourages the hearing of outside statements and will allocate a portion of its meeting time for public participation. Oral statements will be limited to 5 minutes. It is preferred that there be one presenter for each statement. Any outside parties interested in presenting an oral statement should petition the Council by telephone at (202) 382-5533. The petition should include the topic of the proposed statement, the petitioner's telephone number and should be received by the Council before June 15, 1983.

Any person who wishes to file a written statement can do so before or after a Council meeting. Accepted written statements will be recognized at the Council meeting and will be part of the permanent meeting record.

Any member of the public wishing to attend the Council meeting, present an oral statement, or submit a written statement should contact Ms. Charlene Shaw, Executive Assistant, National Drinking Water Advisory Council,

Office of Drinking Water (WH-550), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

The telephone number is: Area Code 202/382-5533.

Dated: May 24, 1983.

Rebecca W. Hanmer,

Acting Assistant Administrator for Water.

[FR Doc. 83-14742 Filed 6-1-83; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### National Industry Advisory Committee, Long Range Planning Committee; Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Long Range Planning Committee of the National Industry Advisory Committee (NIAC) to be held Friday, June 17, 1983. The Committee will meet at the Chandelier Room of the Sheraton Carlton Hotel located at 16th and K Street, N.W., Washington, D.C. at 2:00 P.M.

Purpose: To discuss NSTAC initiatives on the National Coordinating Mechanism and Satellite Survivability.

Agenda: As follows:

1. Opening remarks by Chairman.
2. Discussion of National Security Telecommunications Advisory Committee (NSTAC) initiatives:
  - a. National Coordinating Mechanism.
  - b. Satellite Survivability.
3. Discussion of response to NSTAC through FCC.
4. Other business.
5. Adjournment.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the NIAC Executive Secretary in the FCC Emergency Communications Division at (202) 634-1549.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 83-14700 Filed 6-1-83; 8:45 am]

BILLING CODE 6712-01-M

### Telecommunications Industry Advisory Group, Income and Other Accounts Subcommittee; Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a

meeting of the Telecommunications Industry Advisory Group (TIAG) Income and Other Accounts Subcommittee scheduled for Wednesday and Thursday, June 29 and 30, 1983. The meeting will begin on June 29 at 9:30 a.m. in the offices of the Florida Public Service Commission, Communications Department, Duncan Fletcher Building (Room G11), 101 East Gaines Street, Tallahassee, Florida 32301, and will be open to the public.

The agenda is as follows:

- I. General Administration Matters
- II. Discussion of Assignments
- III. Other Business
- IV. Presentation or Oral Statements
- V. Adjournment

With prior approval of Subcommittee Chairman Glenn L. Griffin, oral statements, while not favored or encouraged, may be allowed at the meeting if time permits, and if the Chairman determines that an oral presentation is conducive to the effective attainment of Subcommittee objectives. Anyone not a member of the Subcommittee and wishing to make an oral presentation should contact Mr. Griffin (214/659-3484) at least five days prior to the meeting date.

William J. Tricarico,

Secretary.

[FR Doc. 83-14714 Filed 6-1-83; 8:45 am]

BILLING CODE 6712-01-M

### Telecommunications Industry Advisory Group, Steering Committee; 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 Steering Committee scheduled to meet on Thursday, June 16, 1983. The meeting will be held at 9:30 a.m. in Conference Room 311 at the Federal Communications Commission located at 1919 M Street, N.W., Washington, D.C. and will be open to the public.

The agenda is as follows:

- I. Review of Minutes of Previous Meeting
- II. General Administration Matters
- III. Discussion of Assignments
- IV. Other Business
- V. Presentation of Oral Statements
- VI. Adjournment

With prior approval of the Chairman, Gerald P. Vaughan, 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 Steering Committee objectives. Anyone not a member of the Steering Committee and

wishing to make an oral presentation should contact Stephen T. Duffy, Group Vice-Chairman (202/634-1509), at least five days prior to the meeting date.

William J. Tricarico,

Secretary.

Federal Communications Commission.

[FR Doc. 83-14701 Filed 6-1-83; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Forms Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of forms submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

TITLE OF INFORMATION COLLECTION: Application for Federal Deposit Insurance for Operating Noninsured Institutions.

BACKGROUND: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), FDIC hereby gives notice that it has submitted to the Office of Management and Budget a form SF-83, "Request for OMB Review," for the information collection system identified above.

ADDRESS: Written comments may be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the FDIC, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Requests for a complete copy of the form SF-83 "Request for OMB Review," and related documentation may be addressed to John Keiper, Paperwork and Regulation Control Coordinator, Federal Deposit Insurance Corporation, 550 17th Street, N.W., Washington, D.C. 20429, telephone (202) 389-4351.

SUMMARY: Section 5(a) of the Federal Deposit Insurance Act (12 U.S.C. 1815) provides that any State nonmember bank, upon application to and examination by the Corporation and approval by its Board of Directors, may become an insured bank. Before approving the application, the Act requires that FDIC Board of Directors to consider certain factors which are listed in Section 6 of the Act.

The information contained in the application will be used by the FDIC as a basis for analyzing the proposal and evaluating the statutory factors in order to determine whether or not to grant deposit insurance to the applicant.

It is estimated that this collection of information will create a reporting

burden of 8 hours per application for each of the estimated 50 respondents, annually. The total annual reporting burden is, therefore, estimated to be 400 hours.

Dated: May 26, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 83-14716 Filed 6-1-83; 8:45 am]

BILLING CODE 6714-01-M

## FEDERAL RESERVE SYSTEM

### Acquisition of Bank Shares by a Bank Holding Company; Equality Bankshares

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 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. *Equality Bankshares*, Cheyenne, Wyoming; to acquire 100 percent of the voting shares or assets of Century Bank Shares, Cheyenne, Wyoming, parent of First State Bank of Lyman, Lyman, Wyoming; Pioneer Bank Shares, Cheyenne, Wyoming, parent of Pioneer Bank of Evanston, Evanston, Wyoming; and Jeffrey City State Bank, Jeffrey City, Wyoming. This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Kansas City. Comments on this application must be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,  
Associate Secretary of the Board.

[FR Doc. 83-14691 Filed 6-1-83; 6:45 am]

BILLING CODE 6210-01-M

### Bank Holding Companies; Proposed De Novo Nonbank Activities; First Bank System, Inc., et al.

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 Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First Bank System, Inc.*, Minneapolis, Minnesota (data processing; continental United States); To engage through its subsidiary, First Data Processing, Inc., in data processing and processing banking and financial data in accordance with the Board's Regulation Y. These activities would be conducted from offices located in Milwaukee and West Allis, Wisconsin, serving the continental United States. Comments on this application must be received not later than June 23, 1983.

2. *First Bank System, Inc.*, Minneapolis, Minnesota (making and servicing loans; United States); To engage through its subsidiary, FBS Asset Management, in acquiring directly or

indirectly loans or other extensions of credit and servicing these loans and credits. These activities would be performed from offices located in Minneapolis, Minnesota, serving the United States. Comments on this application must be received not later than June 23, 1983.

**B. Federal Reserve Bank of Dallas** (Anthony J. Montelaro, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Mercantile Texas Corporation*, Dallas, Texas (mortgage financing and servicing activities; Texas, Oklahoma, Arkansas, Louisiana, and New Mexico); To engage through its subsidiary, MPACT Mortgage Company, in making or acquiring and servicing loans and other extensions of credit such as would be made by a mortgage company. These activities would be performed in the states of Texas, Oklahoma, Arkansas, Louisiana and New Mexico. Comments on this application must be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14695 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

### Formation of Bank Holding Companies; First National Bankshares, Inc., et al.

The companies listed in this notice have applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become bank holding companies by acquiring voting shares or assets of a bank. The factors that are considered in acting on the applications are set forth in 3(c) of the Act (12 U.S.C. section 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. *First National Bankshares, Inc.*, Emporia, Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of The First National Bank of Emporia, Emporia, Virginia. Comments on this application must be received not later than June 24, 1983.

B. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

1. *First Financial Bancshares Corp.*, Ponca City, Oklahoma; to become a bank holding company by acquiring at least 80 percent of the voting shares of First National Bank and Trust Company, Ponca City, Oklahoma. Comments on this application must be received not later than June 24, 1983.

C. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President), 400 Sansome Street, San Francisco, California 94120:

1. *Viejo Bancorp*, Mission Viejo, California; to become a bank holding company by acquiring 100 percent of the voting shares of the successor by merger to Mission Viejo National Bank, Mission Viejo, California. Comments on this application must be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14692 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

#### First Interstate Bancorp; Proposed Acquisition of First Interstate Mortgage Company of Texas

First Interstate Bancorp, Los Angeles, California, through its wholly-owned direct subsidiary, First Interstate Mortgage Company, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire indirect ownership of the common stock of First Interstate Mortgage Company of Texas, Houston, Texas.

Applicant states that the proposed subsidiary would engage in making, acquiring, selling, and servicing loans and other extensions of credit secured by real estate mortgages. These activities would be performed from offices of Applicant's subsidiary in Houston, Texas, and the geographic area to be served in Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual

proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14693 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

#### Hong Kong and Shanghai Banking Corporation, Kellett, N.V., H.S.B.C. Holdings, B.V., Marine Midland Banks, Inc.

The Hong Kong and Shanghai Banking Corporation, Hong Kong, B.C.C., Kellett, N.V., Curacao, Netherlands Antilles, H.S.B.C. Holdings B.V., Amsterdam, The Netherlands, and Marine Midland Banks, Inc., Buffalo, New York, 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)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to engage *de novo*, through their wholly-owned subsidiary, Marine Midland Realty Credit Corporation, Buffalo, New York, in arranging, incidental to the conduct of a mortgage banking business, equity financing for income-producing real properties with institutional investors. These activities would be performed from offices of Applicants' subsidiary in New York and Buffalo, New York; Los Angeles and Newport Beach, California; and Houston, Texas and the geographic area to be served is the entire United States.

Although arranging equity financing has not been added to the list of permissible activities specified by the Board in section 225.4(a) of Regulation Y, the Board has determined by Order that this activity is closely related to banking. E.g. *Trust Company of Georgia*, 69 Federal Reserve Bulletin 225 (1983).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C., not later than June 24, 1983.

Board of Governors of the Federal Reserve System, May 26, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-14694 Filed 6-1-83; 8:45 am]

BILLING CODE 6210-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Centers for Disease Control

##### NIOSH/Union Carbide Kanawha Valley Chemical Workers Study; 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: June 9, 1983.

Time: 9:00 a.m. to 4:30 p.m.

Place: Room 8021, Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

Purpose: To discuss the protocol and status of the NIOSH/Union Carbide Kanawha Valley Chemical Workers Study with two independent scientific consultants. Viewpoints and suggestions from industry, organized labor, academia, other government agencies, and the public are invited.

The time and place of this meeting are subject to change, depending on the availability of the participants. Additional information may be obtained from: Robert Rinsky, Division of Surveillance, Hazard Evaluations, and Field Studies, National Institute for Occupational Safety and Health, Centers for Disease Control, 4676 Columbia Parkway, Cincinnati, OH 45226, Telephone: Fts: 684-4391, Commercial: 513/684-4391.

Dated: May 24, 1983.

William H. Foege,

Director, Centers for Disease Control.

[FR Doc. 83-14791 Filed 6-1-83; 8:45 am]

BILLING CODE 4160-19-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[INT FEIS 83-27]

#### Final Eastside Salem Timber Management Environmental Impact Statement; Availability of FEIS

**AGENCY:** Bureau of Land Management, Interior.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the Eastside Salem EIS area. The proposal involves implementing a 10-year timber management plan on public lands in the Clackamas-Molalla and Santiam Sustained Yield Units of the Salem District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets N.W., Washington, D.C. 20240.  
Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah St., Portland, OR 97208.

Bureau of Land Management, Salem District Office, 1717 Fabry Road S.E., Salem, OR 97302

Oregon State Library, State Library Building, Salem, OR 97310

Oregon State University Library, Government Document Section, Corvallis, OR 97331

Portland State University Library, 724 S.W. Morrison, Portland, Oregon 97201

Mt. Hood Community College Library, 26000 S.E. Stark, Gresham, Oregon 97030

University of Oregon Library, Government Document Section, Eugene, OR 97403

Clackamas Community College Library, 19600 S. Molalla, Oregon City, Oregon 97045

Linn-Benton, Community College Library, Albany, OR 97321

Chemeketa Community College Library, 4000 Lancaster Dr. N.E., Salem, Oregon 97303

Public Library, 626 2nd, Lebanon, Oregon 97355

Public Library, 7th & John Adams, Oregon City, Oregon 97045

Public Library, 1390 S.E. Waverly Drive, Albany, Oregon 97321

Multnomah County Library, 801 S.W. 10th, Portland, OR 97205

Salem Public Library, 585 Liberty S.E., Salem, OR 97302.

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Salem District Office, at the above addresses. Due to the addition of a new preferred alternative, a 60-day comment period on the FEIS is established.

Written comments on the FEIS will be accepted by the Salem District Manager until August 1, 1983.

Dated: May 18, 1983.

Philip C. Hamilton,

Acting Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83-14676 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 83-25]

#### Final Eugene Timber Management Environmental Impact Statement; Availability of FEIS

**AGENCY:** Bureau of Land Management, Interior.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the Eugene EIS area. The proposal involves implementing a 10-year timber management plan on public lands in the Siuslaw and Upper Willamette Sustained Yield Units of the Eugene District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW., Washington, D.C. 20240

Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah St., Portland, OR 97208

Bureau of Land Management, Eugene District Office, 1255 Pearl Street, P.O. Box 10226, Eugene, Oregon 97440

Oregon State Library, State Library Building, Salem, OR 97310

Oregon State University Library, Government Document Section, Corvallis, OR 97331

Portland State University Library, 724 S.W. Morrison, Portland, OR 97201

University of Oregon Library, Government Document Section, Eugene, OR 97403

Lane Community College Library, 4000 E. 30th Ave., Eugene, OR 97405

Linn-Benton, Community College Library, Albany, OR 97321

Umpqua Community College Library, P.O. Box 956, Roseburg, OR 97470

Eugene Public Library, 100 West 13th Ave., Eugene, OR 97401

Springfield Public Library, 320 North A Street, Springfield, OR 97477

Cottage Grove Public Library, 40 S. 6th Street, Cottage Grove, OR 97424

Brownsville Public Library, 146 Spalding Ave., Brownsville, OR 97439

Florence City Library, 250 Highway 101 North, Florence, OR 97439

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Eugene District Office, at the above addresses. Due to the addition of a new preferred alternative, a 60-day comment period on the FEIS is established.

Comments on the FEIS will be accepted by the Eugene District Manager until August 1, 1983.

Dated May 18, 1983.

Philip C. Hamilton,

Acting Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83-14674 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-84-M

[INT FEIS 83-26]

#### Final Roseburg Timber Management Environmental Impact Statement; Availability of FEIS

**AGENCY:** Bureau of Land Management, Interior.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental impact statement for the Roseburg EIS area. The proposal involves implementing a 10-year timber management plan on public lands in the Douglas and South Umpqua Sustained Yield Units of the Roseburg District in western Oregon.

Public reading copies will be available for review at the following locations:

Bureau of Land Management, Office of Public Affairs, 18th and C Streets NW Washington, D.C. 20240

Bureau of Land Management, Office of Public Affairs, 825 N.E. Multnomah St., Portland, OR 97208

Bureau of Land Management, Roseburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, OR 97470

Oregon State Library, State Library Building, Salem, OR 97310

Oregon State University Library, Government Document Section, Corvallis, OR 97331

Portland State University Library, 724 S.W. Morrison, Portland, OR 97201

University of Oregon Library, Government Document Section, Eugene, OR 97403

Lane Community College Library, 4000 E. 30th Ave., Eugene, OR 97405

Linn-Benton Community College Library, Albany, OR 97321

Umpqua Community College Library, P.O. Box 956, Roseburg, OR 97470

Riddle Library, 637 1st Ave., Riddle, OR 97469

Yoncalla Library, 161 Front St., Yoncalla, OR 97499

Douglas County Library, Courthouse, 1036 S.E. Douglas Roseburg, OR 97470

Oakland Public Library, Locust Street, Oakland, OR 97460

Winston Library, 201 N.W. Highway 42, Winston, OR 97496

Canyonville Library, 1st & Pine St., Canyonville, OR 97417

Drain Library, 2nd & C Streets, Drain, OR 97435

Glendale Library, 3rd & Willis, Glendale, OR 97442

Myrtle Creek Library, 231 Division, Myrtle Creek, OR 97457

A limited number of copies are available upon request from the Bureau of Land Management, Oregon State Office, or the Roseburg District Office, at the above addresses. Due to the addition of a new preferred alternative, a 60-day comment period on the FEIS is established.

Comments on the FEIS will be accepted by the Roseburg District Manager until August 1, 1983.

Dated: May 18, 1983.

Philip C. Hamilton,

Acting Deputy State Director for Lands and Renewable Resources.

[FR Doc. 83-14675 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-84-M

[A 11811]

#### Order Providing for Opening of Public Lands; Arizona

In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716,

the following lands have been conveyed to the United States:

#### Gila and Salt River Meridian, Arizona

Those certain tracts or parcels of land being a part of H.E.S. No. 509, Township 4 South, Range 32 East of the Gila and Salt River Base and Meridian, Greenlee County, Arizona, described as follows:

No. 1 beginning at a point South 8°56' E., 792.22 feet from Corner No. 1, H.E.S. No. 509; thence due East for a distance of 424.52 feet; thence South 6°44' W. for a distance of 178.67 feet; thence South 5°34' W. for a distance of 128.36 feet; thence South 13°59'30" W. for a distance of 212.64 feet; thence South 33°41' W. for a distance of 88.50 feet; thence South 43°25' W. for a distance of 126.21 feet; thence South 27°46' W. for a distance of 128.53 feet; thence South 11°42' W. for a distance of 55.32 feet; thence North 8°56' W. for a distance of 855.07 feet to the point of beginning.

No. 2 beginning at Corner No. 1, H.E.S. No. 509; thence South 8°56'00" E. 164.36 feet to the true point of beginning; thence South 89°47'56" E. 328.00 feet; thence due South a distance of 619.08 feet; thence due West a distance of 230.50 feet; thence North 8°56'00" W. 627.86 feet to the true point of beginning.

The areas described contains approximately 9.94 acres in Greenlee County.

Upon acceptance of title to the lands, they became part of the Apache National Forest and are subject to all the laws, rules, and regulations applicable thereto.

At 10: a.m. on June 29, 1983, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Inquiries concerning the lands should be addressed to the Forest Supervisor, Apache National Forest, P.O. Box 640, Springerville, Arizona, 85938.

Mario L. Lopez,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-14777 Filed 6-1-83; 8:45 am]

BILLING CODE 4210-84-M

[U-37255]

#### Order Providing for Opening of Public Lands; Utah

1. In an exchange of lands pursuant to Section 8 of the Act of June 28, 1934, 48 Stat. 1272, the following described lands, including all minerals, were reconveyed to the United States:

#### Salt Lake Meridian, Utah

T. 33 S., R. 16 E.,  
Sec. 2, all.  
T. 34 S., R. 16 E.,  
Sec. 16, all.  
T. 39 S., R. 16 E.,  
Sec. 2, lots 1, 2, S½NE¼, SE¼.  
T. 33 S., R. 17 E.,  
Secs. 2, 16, 32, 36, all.

T. 34 S., R. 17 E.,  
Sec. 2, all.  
T. 39 S., R. 17 E.,  
Sec. 2, S½.  
T. 32 S., R. 18 E.,  
Sec. 32, all.  
T. 38 S., R. 18 E.,  
Sec. 2, all;  
Sec. 16, S½.  
T. 37 S., R. 21 E.,  
Sec. 32, N½, SE¼.  
Aggregating 7,519.24 acres.

2. At 10:00 a.m. on June 27, 1983, the lands described in paragraph one lying outside of primitive areas, as shown on the official Bureau of Land Management township plats, will be open to the operation of the public land laws generally, to location under the United States Mining Laws, and to mineral leasing subject to the following listed leases issued by the State of Utah:

ML 31342 affecting Sec. 2, lots 1, 2, S½NE¼, SE¼. T. 39 S., R. 16 E.  
ML 31838 affecting Secs. 2, 16, 32, 36. T. 33 S., R. 17 E.,  
ML 31343 affecting Sec. 2, S½. T. 39 S., R. 17 E.,  
ML 31323 affecting Sec. 32, all. T. 32 S., R. 18 E.,  
ML 31339 affecting Sec. 2, all; and Sec. 16, S½. T. 38 S., R. 18 E.

Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

All valid applications received at or prior to 10:00 a.m. on June 27, 1983 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: May 24, 1983.

Darrell C. Barnes,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-14776 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-84-M

[ES 20644]

**Santa Rosa County, Florida; Proposed Reinstatement of a Terminated Oil and Gas Lease**

1. Federal oil and gas lease ES 20644 terminated automatically by operation of Law on July 1, 1980 (30 U.S.C. 188).

2. A petition for reinstatement of ES 20644 was filed by Tenneco Oil Company (Lessee) under Section 31 D of the Mineral Leasing Act of 1920, as amended by the Federal Oil and Gas Royalty Management Act of 1962 (96 Stat. 2447).

3. The Lessee has met all the following requirements for reinstatement:

- (a) \$500—Reimbursement of Department Administrative cost.  
 (b) \$6,324—Back rental payments.  
 (c) \$136—Publication cost.

4. The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to \$5 per acre per year, and royalty increased to 16% percent beginning July 1, 1983.

Jeff O. Holdren,

Deputy State Director for Lands and Minerals Operations.

[FR Doc. 83-14260 Filed 6-2-83; 8:45 am]

BILLING CODE 4310-84-M

**Fish and Wildlife Service****Endangered Species Permits Issued for the Months of January, February, March and April 1983**

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to Section 10 of the Endangered Species Act of 1973 as amended, 16 U.S.C. 1539. Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species; and that it will be consistent with the purposes and policy set forth in the Endangered Species Act of 1973 as amended.

Additional information on these permit actions may be requested by contacting the Federal Wildlife Permit Office, Box 3654, Arlington, VA 22203, telephone (703/235-1903) or by appearing in person at the Federal Wildlife Permit Office, 1000 N. Glebe Road, Room 605, Arlington, VA, between the hours of 9:00 a.m. and 3:00 p.m. weekdays.

Arizona Zoo	X9833	01-04
Knoxville Zoo	X9825	01-04
New York Zoo	X9847	01-18

Sturgeon, Walter	X9854	01-26
Allen, George, Jr.	X9921	02-24
Donner Zoo Garden	X9882	02-06
Krantz, Karl R.	X9843	02-25
Milwaukee County Zoo	X9884	02-09
Regional Dr. #2/USFWS	X1770	02-07
Blakenship, John	X9964	03-24
Chaffee, Paul	X9932	03-11
Florida State Museum	10082	03-30
International Crane Foundation	X9974	03-08
Keller, Charles	X9958	03-11
Snyder, Terry C.	X9868	03-01
Alles, George A., Jr.	10086	04-14
Arizona Zoo Society	10122	04-28
Berlinski Bros. (Shipped to Ever Trading Co., Ltd. Tokyo, Japan)	X9894	04-20
Lloyd, Elmer	10056	04-22
National Zoo Park	10029	04-08
New York Zoological Society	X9972	04-06
Topoka Zoo Park	10043	04-19
Zoological Society of Cincinnati	10141	04-05
Zoological Society of Cincinnati	10048	04-26
Zoological Society of San Diego	X9985	04-04
Zoological Society of San Diego	10028	04-21
Zoological Society of San Diego	10146	04-20
Zoological Society of San Diego	10149	04-28

Dated: May 27, 1983.

Larry LaRochelle,

Acting Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-14790 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-85-M

**Endangered Species Permit; Receipt of Applications; University of Hawaii, et al.**

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Michael G. Hadfield, University of Hawaii, Honolulu, HI—PRT 2-19486.

The applicant requests a permit to take (mark) live snails and take (collect) empty shells of the Oahu tree snail (*Achatinella* spp.) in Oahu, HI, for scientific research.

Applicant: International Animal Exchange, Ferndale, MI—PRT 2-10490.

The applicant requests a permit to purchase in interstate commerce two male mongoose lemurs (*Lemur mongoz*), four male and one female ring-tailed lemurs (*L. catta*) and two male and three female brown lemurs (*L. macaco fulvus*) from Oregon Regional Primate Center, Beaverton, OR, for enhancement of propagation.

Applicant: David B. Wake, University of California, Berkeley, CA—PRT 2-10499.

The applicant requests a permit to take two desert slender salamanders (*Batrachoseps aridus*) from Hidden Palms Canyon, CA, for scientific research.

Applicant: International Animal Exchange, Ferndale, MI—PRT 2-10491.

The applicant requests a permit to import one male captive-born lion-tailed macaque (*Macaca silenus*) and one

male captive-born mandrill (*Papio sphinx*) from Metro Toronto Zoo, Canada, for enhancement of propagation.

Applicant: Roger Williams Park Zoo, Providence, RI—PRT 2-10485.

The applicant requests a permit to import six captive-bred Parma wallaby (*Macropus parma*) from the Jersey Wildlife Preservation Trust, Channel Islands, United Kingdom.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish & Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: May 27, 1983.

R. K. Robinson,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-14789 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-85-M

**Extension of Public Comment Period on the Draft Environmental Impact Statement (DEIS) for the Cache River Basin: A Waterfowl Habitat Preservation Proposal**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

**SUMMARY:** This Notice advises the public that the period for submitting written comments on the DEIS for the Cache River Basin: A Waterfowl Habitat Preservation Proposal, has been extended from July 15 to August 15, 1983. Refer to the DEIS Notice of Availability published in the Federal Register on May 5, 1983 (Vol. 48, No. 88, pages 20299 and 20300).

Comments should be sent to: Regional Director, U.S. Fish and Wildlife Service, Richard B. Russell Federal Building, 75 Spring Street, S.W., Atlanta, Georgia 30303; ATTN: Chief Ascertainment Biologist.

**FOR FURTHER INFORMATION CONTACT:** Ken Quackenbush, U.S. Fish and Wildlife Service, Room 409, Merchants National Bank Building, 820 South Street, Vicksburg, Mississippi 39180; telephone: Commercial—(AC 601) 638-1891, FTS-542-5995.

Dated: May 25, 1983.

James W. Pulliam, Jr.,  
Regional Director, U.S. Fish and Wildlife  
Service.

[FR Doc. 83-14904 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-55-M

## Geological Survey

### Contributions From and Collaborative Work With Private Sources

**AGENCY:** Geological Survey, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice is published to announce that the U.S. Geological Survey (USGS) is authorized, pursuant to the provisions of the Department of Interior Appropriations Act (Pub. L. 97-394), to accept lands, buildings, equipment and other contributions for and to engage in collaborative projects with private sources. The criteria and procedures for acceptance of contributions from and collaborative projects with private sources are set forth below. Procedures for cooperative work with Federal, State, and local government agencies are not covered by this notice.

**EFFECTIVE DATE:** May 26, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Bruce B. Hanshaw, Assistant Director for Research, U.S. Geological Survey, (MS 104), National Center, Reston, VA 22092. Telephone (703) 860-7488.

### Criteria for Acceptance

The USGS will consider accepting contributions and pursuing collaborative projects for the support of scientific research, technological development and data systems pertaining thereto. To be acceptable such contributions and collaborative projects must:

1. Serve the public.
2. Be in compliance with applicable laws and regulations.
3. Be compatible with USGS missions.
4. Not adversely affect the scientific integrity of the USGS.
5. Provide funding adequate to accomplish the proposed project objective.

### Procedures

Individuals and organizations wishing to make contributions to or enter into collaborative projects with the USGS should submit proposals to the Director, USGS.

1. In cases where a donor wishes to make a contribution to the USGS for a *nonspecific purpose*, the Director may accept such donations and determine their use for a purpose which meets the

criteria stated above. Such contributions must be documented by a letter from the donor specifying the amount or description of the contribution. The Director will acknowledge the contribution by letter to the donor.

2. When proposals are received for collaborative projects, they will be reviewed by appropriate USGS officials who will recommend acceptance or rejection to the Director.

a. USGS officials may hold preliminary discussions with those who have proposed projects which meet the criteria stated above. These preliminary discussions are to identify the nature and scope of the proposed project, its estimated cost, financing method, and other significant aspects of the project, but will not be binding on the USGS.

b. Prior to final acceptance, the USGS will submit all proposals to the Department of the Interior Solicitor and Ethics Counselor for a determination that they are in compliance with law and conflict-of-interest regulations.

c. The USGS and the party contributing funds will execute a Memorandum of Agreement to document all agreements for collaborative projects.

d. The USGS will provide administrative control and technical direction for all collaborative projects.

### Public Announcement

Upon final acceptance of a contribution or collaborative project, the USGS will place an announcement in the *Federal Register* to inform the public and other concerned sources of the amount and purpose, and to invite additional contributions or participation if appropriate, for the same or similar purpose.

### Reports

The USGS will prepare and make available to the public a report on the results of all projects conducted with contributions for private sources.

Dated: May 26, 1983.

Doyle G. Frederick,

Associate Director.

[FR Doc. 83-14705 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-31-M

### Office of the Secretary

#### Coastal Barrier Resources Act; Section 10—Reports to Congress

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** This document sets forth for review and comment the Department of the Interior's proposed plan to study

those aspects of undeveloped coastal barriers required by Section 10 of the Coastal Barrier Resources Act of 1982 (CBRA) (Pub. L. 97-348)

**DATE:** Comments on this plan will be accepted through July 1, 1983.

**ADDRESS:** Comments should be addressed to Ms. Deborah Lanzone, Coastal Barriers Study Coordinator, National Park Service (763), U.S. Department of the Interior, Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Ms. Deborah Lanzone, (202) 343-9377.

**SUPPLEMENTARY INFORMATION:** On October 18, 1982, President Reagan signed the CBRA into law (Pub. L. 97-348). The law establishes the Coastal Barrier Resources System as referred to and adopted by Congress, and prohibits all new Federal expenditures and financial assistance within the units of the System unless specifically excepted by the Act. These provisions of the Act became effective immediately. The Act also amends and conforms the Federal flood insurance provisions of the Omnibus Budget Reconciliation Act 1981 (OBRA) pertaining to undeveloped coastal barriers. The statutory ban on the sale of new Federal flood insurance for new construction or substantial improvements in these areas will go into effect on October 1, 1983. Section 10(a) of CBRA directs the Secretary to prepare and submit to Congress a report regarding the System. Section 10(b) directs the Secretary to prepare this report in consultation with the States, and where applicable, the State Coastal Zone Management officers of those States affected by CBRA. Section 10(c) states that the report shall contain:

- Recommendations for the conservation of the fish, wildlife, and other natural resources of the System based on an evaluation and comparison of all management alternatives, and combinations thereof, such as State and local actions (including management plans approved under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.)), Federal actions (including acquisition for administration as part of the National Wildlife Refuge System), and initiatives by private organizations and individuals;
- Recommendations for additions to, or deletions from, the Coastal Barrier Resources System, and for modifications to the boundaries of System units;
- A summary of the comments received from the Governors of the States, State coastal zone management

agencies, other government officials, and the public regarding the System; and,

—An analysis of the effect, if any, that general revenue sharing grants made under section 102 of the State and Local Fiscal Assistance Amendments of 1972 (31 U.S.C. 1221) have had on undeveloped coastal barriers.

In response to this mandate, the Department proposes to conduct the Coastal Barriers Study as outlined below. Further, the Department intends to transmit the Report to Congress prior to the deadline established in CBRA; the Department expects to transmit this report no later than October 1984.

#### The Coastal Barriers Study Proposed Outline

I. Evaluation and comparison of existing management alternatives for coastal barrier resources—

- A. Federal.
- B. State.
- C. Local.
- D. Private (includes user constituencies, i.e. fishing, boating, recreation, as well as conservation).

E. Partnerships and inter-institutional agreements.

II. Case studies of coastal barrier ecosystems.

III. Review and reassessment of Atlantic and Gulf Coast undeveloped coastal barriers.

IV. Identification and inventory of national coastal resources—

- A. "Protected" coastal barriers along the Atlantic and Gulf Coasts.
- B. Pacific Coast coastal barriers.
- C. Great Lakes coastal barriers.
- D. Caribbean coastal barriers, including U.S. Virgin Islands.
- E. Pacific Territories.

V. Identification and inventory of other coastal resources.

VI. Consultation and coordination with States—

- A. Information exchange.
- B. Ongoing input to study process.
- C. Effects on general revenue sharing.
- VII. Effects of reduced Federal dollars in coastal development.

VIII. Findings and Conclusions.

- A. Symposium/Workshop.
- B. Major protection issues (including post-disaster mitigation).

IX. Recommendations.

J. Craig Potter,  
Acting Assistant Secretary for Fish and  
Wildlife and Parks

(FR Doc. 83-14759 Filed 6-1-83; 8:45 am)

BILLING CODE 4310-10-M

#### Privacy Act of 1974—Publication of Systems of Records Notices

May 25, 1983.

Pursuant to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Department of the Interior is publishing new notices of systems of records maintained by the Minerals Management Service (MMS). Six notices of systems of records maintained by MMS are published in their entirety below. The records systems described by the notices do not contain newly-created records, but represent existing records that were transferred from other bureaus in the Department when MMS was established.

The notice for EMM-1 titled Minerals Lease and Royalty Accounting Files, published below, replaces the notice published in the *Federal Register* on January 7, 1982 (47 FR 866) for EGS-21 titled Mineral Lease and Royalty Accounting Files describing the records formerly maintained by the U.S. Geological Survey. The notice for EMM-6 titled Outer Continental Shelf (OCS) Lease Sale Qualification files, published below, replaces the notice published in the *Federal Register* on April 11, 1977 (42 FR 191118) for LLM-25 titled Outer Continental Shelf Lease Sale describing the records formerly maintained by the Bureau of Land Management. Both EGS-21 and LLM-25 are deleted from the inventory of the Department's Privacy Act records systems.

The remaining notices published below, EMM-2 through EMM-5, describe administrative records extracted from comparable existing records systems maintained by the U.S. Geological Survey and the Bureau of Land Management, and which were transferred to the Minerals Management Service upon its establishment.

This notice is published pursuant to the provisions of 5 U.S.C. 552(e)(4). The purposes and routine uses of the records described in the notices published below are consistent with those previously published for the records systems from which the MMS records were derived. Written comments on the proposed notices are invited and can be addressed to the Department Privacy Act Officer, Office of the Secretary (PIR), U.S. Department of the Interior, Washington, D.C., 20240. If no comments are received, the systems will be implemented without further notice in the *Federal Register*. Comments received on or before July 5, 1983 will be considered.

Dated: May 25, 1983.

Richard R. Hite,

Deputy Assistant Secretary of the Interior.

#### INTERIOR/EMM-1

##### SYSTEM NAME:

Mineral Lease and Royalty Accounting Files—Interior, EMM-1

##### SYSTEM LOCATION:

Minerals Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091 and field offices. For specific addresses of field offices contact the system manager.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Lease or permit holders, and individuals who have requested statistical books. (The records contained in this system which pertain to individuals contain principally proprietary information concerning sole proprietorships. However, some of the records in the system which pertain to individuals may reflect personal information. Only the records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporation and other business entities. These records are not subject to the Privacy Act.)

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Lease contractual terms, production, royalty, reserve, and related information.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Minerals Leasing Act of 1920, as amended, 30 U.S.C. 22, et seq.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to: (a) Manage mineral leases on public lands for which the Minerals Management Service (MMS) is responsible; (b) supervise the leases and permits; (c) keep records of royalty accounts; (d) control revenues; (e) gather statistical data for planning and managing the mineral leasing program. Disclosure outside of the Department may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order, or license; (3) from the record of an individual in response

to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; (5) to Federal, State, or local agencies when necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, license, contract, grant, or other benefit.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in manual form in file folders, tab runs, and information recorded on magnetic tape.

**RETRIEVABILITY:**

Indexed by lease number and/or company.

**SAFEGUARDS:**

Maintained in MMS areas occupied by MMS personnel during working hours with building locked and/or guarded during off hours.

**RETENTION AND DISPOSAL:**

Destroyed 6 years after lease terminates or in the event of a dispute; 6 years after settlement of the dispute.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Minerals Management Service, Office of the Director, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to System Manager. See 43 CFR 2.60.

**RECORD ACCESS PROCEDURES:**

Anyone wishing to inspect a file may request access from the System Manager. See 43 CFR 2.63.

**CONTESTING RECORD PROCEDURES:**

A petition for amendment shall be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**RECORD SOURCE CATEGORIES:**

Lessees, permittees, and individuals on whom records are maintained.

**INTERIOR/EMM-2**

**SYSTEM NAME:**

Personal Property Accountability Records—Interior, EMM-2

**SYSTEM LOCATION:**

(1) Administrative Services Division, Branch of Office Services, Minerals

Management Service, 12203 Sunrise Valley Drive, Reston, Virginia 22091; and (2) Administrative offices in substantially all field locations. A listing of field locations is available from the System Manager.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of MMS who are accountable for Government-owned controlled property.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records of assignment of an internal identification number and acknowledgment of receipt by employees. Records of transfers to other accountable employees. Inventory records containing employee social security numbers and duty stations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

40 U.S.C. 483(b).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary uses of the records are to: (1) Maintain control over MMS-owned and controlled property; and (2) maintain up-to-date inventory and to record accountability for the property. Disclosure outside the Department of the Interior may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, license, contract, grant, or other benefit.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are both manual and computerized.

**RETRIEVABILITY:**

By employee social security number.

**SAFEGUARDS:**

Access by authorized employees only.

**RETENTION AND DISPOSAL:**

Placed in inactive file upon transfer or separation of employee. Closeout inactive file at the end of the fiscal year. Destroyed 2 years after closeout.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office Services Branch, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

**NOTIFICATION PROCEDURE:**

Contact the System Manager or the pertinent field installation. See 43 CFR 2.60

**RECORDS ACCESS PROCEDURES:**

Same as above or to the pertinent field installation for access. See 43 CFR 3.63.

**CONTESTING RECORD PROCEDURES:**

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71

**RECORD SOURCE CATEGORIES:**

Individual employees and property management personnel.

**INTERIOR/EMM-3**

**SYSTEM NAME:**

Accident Reports and Investigations—Interior, EMM-3

**SYSTEM LOCATION:**

Administrative Services Division, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All personnel of the Minerals Management Service (MMS) who have had on-the-job accidents.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Form DI-134, Accident Reports, correspondence, historical information, and corrective action reviews relating to accidents which have occurred on-the-job.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 7902.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary uses of the records are: (1) To maintain records of accidents in which MMS employees have been involved; (2) to report statistics and trends to the Department; (3) to monitor and report progress of the safety program in the MMS, using historical data and records of actions taken. Disclosure outside of the Department may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; and (5) to Federal, State or local agencies where necessary to obtain information relevant to the hiring or retention on an employee or the issuance of a security clearance, license, contract, grant, or other benefit.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in manual form in file folders.

**RETRIEVABILITY:**

By name of individual.

**SAFEGUARDS:**

Kept in locked cabinet. Access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Retained onsite. Closeout at the end of the fiscal year in which the case is closed. Destroyed 6 years after closeout.

**SYSTEM MANAGER(S) AND ADDRESS:**

Safety Management Officer, Administrative Services Division, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

**NOTIFICATION PROCEDURE:**

A written and signed request stating that the requester seeks information concerning records pertaining to him or

her must be addressed to the System Manager. See 43 CFR 2.60.

**RECORD ACCESS PROCEDURES:**

A request for access must be in writing, signed by the requester, submitted to the System Manager, and meet the content requirements of 43 CFR 2.63.

**CONTESTING RECORD PROCEDURES:**

A petition for amendment shall be addressed to the System Manager and meet the requirements of 43 CFR 2.71.

**RECORD SOURCE CATEGORIES:**

Accident victims, witnesses, supervisors, and investigators.

**INTERIOR/EMM-4**

**SYSTEM NAME:**

Security—Interior, EMM-4

**SYSTEM LOCATION:**

Administrative Services Division, Facilities Management Branch, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former Minerals Management Service (MMS) employees who have been granted access to classified information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Record of Security Clearances for MMS personnel; contains name, grade, organization, place and date of birth, and type of security clearance of person being granted access.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10501.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The primary use of the records is to keep current records on security clearances in MMS. Disclosure outside of the Department may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) of information indicating a violation or potential violation of a statute, regulation, rule, order, or license to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license; (3) from the record of an individual in response to an inquiry from a congressional office made at the request of that individual; (4) to a Federal Agency which has

requested information relevant or necessary to its hiring or retention of an employee or issuance of a security clearance, license, contract, grant, or other benefit; and (5) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee or the issuance of a security clearance, license, contract, grant, or other benefit.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Manual systems maintained in locked cardex and legal size files.

**RETRIEVABILITY:**

Indexed by individual name.

**SAFEGUARDS:**

Maintained with security, meeting the requirements of 43 CFR 2.51.

**RETENTION AND DISPOSAL:**

Records on former employees are placed in inactive file upon transfer or separation. Closeout inactive file at the end of the fiscal year. Destroyed 2 years after closeout.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Facilities Management Branch, Minerals Management Service, Mail Stop 635, 12203 Sunrise Valley Drive, Reston, Virginia 22091.

**NOTIFICATION PROCEDURE:**

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him or her is required. See 43 CFR 2.60.

**RECORD ACCESS PROCEDURES:**

A request for access may be addressed to the System Manager. The request must be in writing and be signed by the requester. The request must meet the content requirements of 43 CFR 2.63.

**CONTESTING RECORD PROCEDURES:**

A petition for amendment should be addressed to the System Manager and must meet the content requirements of 43 CFR 2.71.

**RECORD SOURCE CATEGORIES:**

Individual on whom record is maintained.

**INTERIOR/EMM-5**

**SYSTEM NAME:**

ELC Records—Interior, EMM-5

**SYSTEM LOCATION:**

Administrative Services Division,  
Facilities Management Branch, Minerals  
Management Service, Mail Stop 635,  
12203 Sunrise Valley Drive, Reston,  
Virginia 22091.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Minerals Management Service (MMS)  
employees Service-wide.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names of individual employees, social  
security numbers, grades, office  
telephone, location codes, room  
numbers, tenures, mail stop codes,  
organization codes, and home zip codes.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

The primary uses of these records are:  
(1) To prepare MMS telephone  
directories; (2) ride sharing; and (3) to  
prepare space occupancy reports.  
Disclosure outside of the Department  
may be made: (1) To the U.S.  
Department of Justice when related to  
litigation or anticipated litigation; (2) of  
information indicating a violation or  
potential violation of a statute,  
regulation, rule, order, or license to  
appropriate Federal, State, local, or  
foreign agencies responsible for  
investigating or prosecuting the  
violation or for enforcing or  
implementing the statute, rule,  
regulation, order, or license; (3) from the  
record of an individual in response to an  
inquiry from a congressional office  
made at the request of that individual;  
(4) to a Federal Agency which has  
requested information relevant or  
necessary to its hiring or retention of an  
employee or issuance of a security  
clearance, license, contract, grant, or  
other benefit; and (5) to Federal, State,  
or local agencies where necessary to  
obtain information relevant to the hiring  
or retention of an employee, or the  
issuance of a security clearance, license,  
contract, grant, or other benefit.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in manual and  
computerized form.

**RETRIEVABILITY:**

By name or social security number.

**SAFEGUARDS:**

Records kept in locked cabinets for  
use by the Facilities Management  
Branch.

**RETENTION AND DISPOSAL:**

Retained until obsolete or employee  
leaves MMS, then destroyed.

**SYSTEM MANAGERS(S) AND ADDRESS:**

Chief, Facilities Management Branch,  
Minerals Management Service, Mail  
Stop 635, 12203 Sunrise Valley Drive,  
Reston, Virginia 22091.

**NOTIFICATION PROCEDURE:**

A written and signed request stating  
that the requester seeks information  
concerning records pertaining to him or  
her must be addressed to the System  
Manager. See 43 CFR 2.60.

**RECORD ACCESS PROCEDURES:**

A request for access should be  
addressed to the System Manager. See  
43 CFR 2.63.

**CONTESTING RECORD PROCEDURES:**

Contact the System Manager. See 43  
CFR 2.71.

**RECORD SOURCE CATEGORIES:**

Individuals on whom records are kept.

**INTERIOR/EMM-6****SYSTEM NAME:**

Outer Continental Shelf (OCS) Lease  
Sale Qualification Files, Interior, EMM-6

**SYSTEM LOCATION:**

Regional Managers of OCS Regional  
Offices of the Minerals Management  
Service at:

Alaska Regional Office, 620 East 10th  
Avenue, P.O. Box 1159, Anchorage,  
Alaska 99510

Atlantic Regional Office, 26 Federal  
Plaza, Suite 32-120, New York, New  
York 10278

Gulf of Mexico Regional Office, 3301 N.  
Causeway Blvd., P.O. Box 7944,  
Metairie, Louisiana 70010

Pacific Regional Office, 1340 West 6th  
Street, Rm. 200, Los Angeles,  
California 90017.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Qualified bidders/assignees, who are  
individuals, or which are trusts and  
estates, who bid on OCS leases.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents showing qualifications to  
bid (citizenship status), name, and  
address.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

43 U.S.C. 1331, 30 CFR 256.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To identify holders of record title  
interest in OCS leases. Users include the  
general public and Government  
Agencies for notification to lessees and  
for any necessary regulatory compliance  
action. Disclosures outside of the  
Department may be made: (1) To the  
general public by the publication of  
information for all bids on each sale; (2)  
to the U.S. Department of Justice when  
related to litigation or anticipated  
litigation; (3) of information indicating a  
violation or potential violation of a  
statute, regulation, rule, order, or license  
to appropriate Federal, State, local, or  
foreign agencies responsible for  
investigating or prosecuting the  
violation or for enforcing or  
implementing the statute, rule,  
regulation, order, or license; and (4) from  
the record of an individual in response  
to any inquiry from a congressional  
office made at the request of that  
individual.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records consist of paper documents  
which are stored in folders in file  
cabinets.

**RETRIEVABILITY:**

Indexed by individual name, by trust  
names, or estate names.

**SAFEGUARDS:**

Access to files is supervised when  
office is open. Maintained in MMS areas  
occupied by MMS personnel during  
working hours. During non-working  
hours, the buildings are locked and/or  
guarded.

**RETENTION AND DISPOSAL:**

If bidder is unsuccessful, record is  
retained for 3 years and then  
transmitted to GSA for records  
retirement. If bidder is successful,  
record is retained for the life of the lease  
and 6 months thereafter and then to  
GAS for records retirement.

**SYSTEM MANAGER(S) AND ADDRESSES:**

Regional Managers, OCS Regional  
Offices listed above.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to the  
appropriate System Manager. See 43  
CFR 2.60.

**RECORD ACCESS PROCEDURES:**

Access requests should be directed to the appropriate System Manager. See 43 CFR 2.63.

**CONTESTING RECORD PROCEDURES:**

A petition for amendment must be addressed to the appropriate System Manager and must meet the content requirements of 43 CFR 2.71.

**RECORD SOURCE CATEGORIES:**

All records are derived from documents submitted by the qualified bidders or assignees.

[FR Doc. 83-14867 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-10-M

### Guidelines for Transactions Between Nonprofit Conservation Organizations and Federal Agencies

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Extension of notice of final guidelines—Request for additional comments.

**SUMMARY:** The Assistant Secretary for Fish and Wildlife and Parks is extending for 30 days the comment period prior to publishing final guidelines for transactions between nonprofit conservation organizations and Federal agencies that utilize the Land and Water Conservation Fund (LWCF). These guidelines will provide broad instructions to the four Federal agencies in their use of nonprofit conservation organizations to assist in securing the natural, cultural, wildlife and recreation values in greatest need of protection.

The guidelines will apply to the National Park Service, Fish and Wildlife Service, and the Bureau of Land Management in the Department of the Interior and the Forest Service in the Department of Agriculture.

**DATES:** Additional comments must be received before June 23, 1983. Unless modified pursuant to notice in the *Federal Register*, these guidelines shall be effective July 21, 1983.

**FOR FURTHER INFORMATION CONTACT:**

Chairman, LWCF Policy Group, Room 3156, Department of the Interior, Washington, D.C. 20240.

**SUPPLEMENTARY INFORMATION:** The public was invited to comment on the proposed guidelines, that appeared in the *Federal Register*, January 28, 1983 (Vol. 48, No. 20, pages 4055-6), and the final guidelines that appeared in the *Federal Register*, April 22, 1983 (Vol. 48, No. 79, pages 17406-7). In order to receive the benefit of the comments of a greater number of interested parties, the Assistant Secretary has extended the comment period and effective date by 30

days, until June 23, 1983, for the comment period and July 21, 1983, for the effective date.

May 23, 1983.

J. Craig Potter,

Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-14783 Filed 6-1-83; 8:45 am]

BILLING CODE 4310-10-M

### INTERNATIONAL TRADE COMMISSION

[Investigations No. 104-TAA-14 and 104-TAA-15]

#### Import Investigations; Bicycle Tires and Tubes From the Republic of Korea and Taiwan

##### Determinations

Based on the record<sup>1</sup> developed in investigations Nos. 104-TAA-14 and 104-TAA-15, the Commission determines,<sup>2</sup> pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports of bicycle tires and tubes from the Republic of Korea manufactured by Korea Inoue Kasei, Co., or bicycle tires and tubes from Taiwan manufactured by Cheng Shin Rubber Co., Ltd., if the countervailing duty orders covering those imports were to be revoked.

##### Background

On July 30, 1981, the Commission received a petition on behalf of Korea Inoue Kasei Co. (KIK) seeking the institution of an investigation under section 104(b) of the Trade Agreements Act of 1979, (19 U.S.C. 1671 note), to determine whether an industry in the United States would be materially injured, or would be threatened with material injury, or the establishment of an industry would be materially retarded if the countervailing duty order covering bicycle tires and tubes from the Republic of Korea were to be revoked. KIK, a Korean manufacturer of bicycle tires and tubes, is the only company covered by the order.

On December 30, 1982, Cheng Shin Rubber Co., Ltd., (Cheng Shin), a manufacturer of bicycle tires and tubes from Taiwan, submitted a petition seeking the institution of a section 104 investigation regarding the revocation of the countervailing duty order covering bicycle tires and tubes from Taiwan.

<sup>1</sup> The "record" is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (47 FR 6190, Feb. 10, 1982).

<sup>2</sup> Chairman Eckes dissenting.

Cheng Shin is the only company covered by the order.

On the basis of the petitions filed on behalf of KIK and Cheng Shin, the Commission instituted investigation No. 104-TAA-14 on bicycle tires and tubes from Korea on December 21, 1982, and investigation No. 104-TAA-15 on bicycle tires and tubes from Taiwan on January 10, 1983. The purpose of the Commission's investigations was to determine whether an industry in the United States would be materially injured, or threatened with material injury, or the establishment of an industry in the United States would be materially retarded, if the countervailing duty orders applicable to bicycle tires and tubes, provided for in items 772.48 and 772.57, respectively, of the Tariff Schedules of the United States, imported from Korea, manufactured by KIK, and imported from Taiwan, manufactured by Cheng Shin, were to be revoked.

Notice of the institution of these Commission investigations was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C. and by publishing the notice for investigation No. 104-TAA-14 in the *Federal Register* of December 29, 1982, and that for investigation No. 104-TAA-15 in the *Federal Register* of January 14, 1983. The public hearing for these investigations was held concurrently on March 1, 1983, and the Commission voted on these cases in public session on May 10, 1983.

The Commission transmitted its report on these investigations to the Secretary of Commerce on May 20, 1983. A public version of the Commission's report, *Bicycle Tires and Tubes from the Republic of Korea and Taiwan* (investigations nos. 104-TAA-14 and 15), USITC Publication 1382, contains the views of the Commission and information developed during the investigations.

By Order of the Commission.

Issued: May 20, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-14797 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

### [Investigation No. 337-TA-139]

#### Import Investigations; Certain Caulking Guns; Commission Decision Not To Review Initial Determination

**AGENCY:** International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has determined not to

review the presiding officer's initial determination (Order No. 7) granting complainant's motion to amend the complaint in the above-captioned investigation to consolidate two respondents—Handy Dan, San Antonio, Texas and Handy Dan Home Improvement Center Inc., Los Angeles, California—into one respondent, Handy Dan Home Improvement Centers, Inc., Dover, Delaware.

**Authority:** The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982 and 48 FR 20225, May 5, 1983; to be codified at 19 CFR 210.53 (c) and (h)).

**SUPPLEMENTARY INFORMATION:** On April 27, 1983, the presiding officer issued an initial determination granting the motion of complainant Peter J. Chang to amend the complaint to consolidate to two above-named respondents into one respondent, Handy Dan Improvement Centers, Inc. Under § 210.54(b) of the Commission's rules, the deadline for filing petitions for review of the initial determination expired on May 9, 1983. No petitions were filed.

Copies of the nonconfidential version of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** William E. Perry, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0499.

By order of the Commission.

Issued: May 24, 1983.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-14803 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-137]

#### Import Investigation; Certain Heavy Duty Staple Gun Tackers; Change of the Commission Investigative Attorney

Notice is hereby given that, as of this date, Ralph Elsas-Patrick, Esq. of the Unfair Import Investigations Division, will be the Commission investigative attorney in the above-cited investigation instead of Robert S. Budoff, Esq.

The Secretary is requested to publish this Notice in the Federal Register.

Dated: May 25, 1983.

David I. Wilson,  
Chief, Unfair Import Investigations Division.

[FR Doc. 83-14805 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigations Nos. 104-TAA-16, 17, and 18]

#### Import Investigation of Certain Nonrubber Footwear From Brazil, India, and Spain

##### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the Commission determines, pursuant to section 104(b) of the Trade Agreements Act of 1979, that an industry in the United States would not be materially injured or threatened with material injury, nor would the establishment of an industry in the United States be materially retarded, by reason of imports of certain nonrubber footwear from Brazil, India, or Spain covered by outstanding countervailing duty orders, if the orders were to be revoked. The investigations, cover imports of nonrubber footwear provided for in items 700.05-45, 700.56, 700.72-83, and 700-95 of the Tariff Schedules of the United States (TSUS). With respect to India, the investigation covers all of the above footwear except huaraches (TSUS item 700.05); leather ski boots (TSUS item 700.28); and chappals, slippers and footwear having an open toe and heel, however provided for in part 1, subpart A of Schedule 7 in the TSUS.

##### Background

On October 26, 1981, October 27, 1981, and April 23, 1982, the U.S. International Trade Commission received requests from the Governments of Brazil, India, and Spain, respectively, for investigations under section 104 of the Trade Agreements Act of 1979 with respect to certain nonrubber footwear imported from Brazil, India, and Spain. Accordingly, effective January 25, 1983, the Commission instituted investigations Nos. 104-TAA-16, 17, and 18 under section 104(b) to determine whether an industry in the United States would be materially injured or threatened with material injury, or the establishment of an industry in the United States would

<sup>1</sup> The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

<sup>2</sup> Commissioner Haggart dissenting with respect to the orders covering imports of the subject merchandise from Brazil and Spain.

be materially retarded, by reason of imports of certain nonrubber footwear from Brazil, India, and Spain, currently covered by countervailing duty orders, if the orders were to be revoked.

Notice of the institution of the commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register on February 2, 1983 (48 FR 4742). The hearing was held in Washington, D.C. on April 19, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on May 24, 1983. A public version of the Commission's report, *Certain nonrubber footwear from Brazil, India, and Spain* (investigations Nos. 104-TAA-16, 17, and 18, USITC Publication 1383, 1983), contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: May 24, 1983.

Kenneth R. Mason,  
Secretary

[FR Doc. 83-14798 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-148]

#### Import Investigations; Certain Processes for the Manufacture of Skinless Sausage Casings and Resulting Product; Order No. 1

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Issued: May 24, 1983.

Donald K. Duvall,  
Chief Administrative Law Judge.

[FR Doc. 83-14802 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

#### [Investigation No. 337-TA-149]

#### Import Investigations; Certain Radar Detectors and Accompanying Owner's Manuals; Investigation

AGENCY: International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 29, 1983, under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, on behalf of Cincinnati Microwave, Inc., 1 Microwave Plaza, Cincinnati, Ohio 45242. The complaint alleges unfair methods of competition and unfair acts in the importation of certain radar detectors and accompanying owners' manuals into the United States, or in their sale, by reason of (a) infringement of U.S. Letters Patent Des. 253,752; (b) infringement of U.S. Copyright Reg. Nos. TX 346-467 and TX 1-064-030; (c) infringement of U.S. Trademark Reg. No. 1,127,831; (d) common law trademark infringement; (e) false representation using ESCORT; (f) false representation using photographs; (g) false advertising; (h) passing off; (i) false designation of manufacturer and/or geographic origin using photographs; and (j) improper use of complainant's copyright notice. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue both a permanent exclusion order and a permanent cease and desist order.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure (19 CFR 210.12).

**Scope of investigation:** Having considered the complaint, the U.S. International Trade Commission, on May 24, 1983, ordered that: (1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930 an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain radar detectors and accompanying owners' manuals into the United States, or in their sale, by reason of alleged (a) infringement of U.S. Letters Patent Des. 253,752; (b) infringement of U.S. Copyright Reg. Nos. TX 346-467 and TX 1-064-030; (c) infringement of U.S. Trademark Reg. No. 1,127,831; (d) common law trademark infringement; (e) false representation using ESCORT; (f) false representation using photographs; (g) false advertising; (h) passing off; (i) false designation of manufacturer and/or geographic origin using photographs; and (j) improper use of complainant's copyright notice, the

effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Cincinnati Microwave, Inc., 1 Microwave Plaza, Cincinnati, Ohio 45242.

(b) The respondents are the following companies, alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Uniden Corporation, 7-4 Onitaka 4-Chome, Ichikawa, Japan  
Dynascan Corporation, 6460 West Courtland Street, Chicago, Illinois 60635

Larrick's Incorporated, 23 Mackoill Street, Dayton, Ohio 45403

Capitol Electronics, Inc., 7312 Cherokee Plaza, Oklahoma City, Oklahoma 73132

Cardinal Car Stereo, 8240 North 23rd Avenue, Glendale, Arizona 85301

David's, 7601 N. May Avenue, Oklahoma City, Oklahoma 73118

Apollo Wholesalers, 1022 Miller Industrial Park, Altamonte Springs, Florida 32701

(c) Wilhelm A. Zeitler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 124, Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR § 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice of the respondent, to find the facts to be as alleged in the complaint and this notice and to enter

both an initial determination and a final determination containing such findings.

The complaint, except for confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202-523-0471.

**FOR FURTHER INFORMATION CONTACT:** Wilhelm A. Zeitler, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0390.

By order of the Commission.

Issued May 27, 1983.

**Kenneth R. Mason,**  
Secretary.

[FR Doc. 83-14894 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-108]

**Import Investigation; Certain Vacuum Bottles and Components Thereof; Denial of Petition for Reconsideration and Rejection of Motion for Relief From the Order**

**AGENCY:** International Trade Commission.

**ACTION:** Denial of petition for reconsideration of the Commission's determination and rejection of motion for relief from the order.

**SUPPLEMENTARY INFORMATION:** On October 29, 1982, the Commission concluded the above-captioned investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) with a determination that there is no violation of that section in the importation into and sale in the United States of certain vacuum bottles. On November 12, 1982, complainant Union Manufacturing Co. (Union) filed a petition for reconsideration pursuant to § 210.58 of the Commission's Rules of Practice and Procedure (19 CFR 210.58). On March 22, 1983, Union filed a motion for relief from the order based on newly discovered evidence.

On May 17, 1983, the Commission denied the petition for reconsideration and rejected Union's motion for relief from the order.

Copies of the Commission's Action and Order disposing of these matters and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW.,

Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** William E. Perry Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0499.

By order of the Commission.  
Issued May 24, 1983.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 83-14600 Filed 6-1-83; 8:45 am]  
BILLING CODE 7020-02-M

[Investigation No. 337-TA-128]

**Import Investigations; Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof; Initial Determination Terminating Respondent on The Basis of Settlement Agreement**

**AGENCY:** International Trade Commission.

**ACTION:** Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Dr. H. Wayne Richardson (Richardson).

**SUPPLEMENTARY INFORMATION:** This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on May 25, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the *Federal Register*. Any person desiring to submit a document

(or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

**FOR FURTHER INFORMATION CONTACT:** Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-523-0176.

By order of the Commission.  
Issued: May 25, 1983.

**Keneth R. Mason,**  
*Secretary.*

[FR Doc. 83-14799 Filed 6-1-83; 8:45 am]  
BILLING CODE 7020-02-M

[Investigation No. 337-TA-131]

**Import Investigation, Certain Variable Character Display Devices; Termination of Investigation Based on Settlement Agreement**

**AGENCY:** International Trade Commission.

**ACTION:** Termination of the above-captioned investigation based on a settlement agreement.

**SUMMARY:** On January 27, 1983, complainant Staver Manufacturing Co., Inc. (Staver) and respondent Ferranti-Packard Electronics, Ltd. (Ferranti-Packard) filed a joint motion (Motion No. 131-2) to terminate the above-captioned investigation as to all respondents. The motion is based on a nonexclusive patent license agreement between Staver and Ferranti-Packard. Neither complainant nor the Commission investigative attorney requested that the investigation continue with regard to the two other respondents in the investigation, Identicon of Franklin, Massachusetts, and Ferranti-Packard Ltd. of Dunkirk, New York. On May 18, 1983, the Commission granted the joint motion and terminated the investigation.

**SUPPLEMENTARY INFORMATION:** Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with the investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street, NW., Washington, D.C. 20436, telephone 202-523-0161.

**FOR FURTHER INFORMATION CONTACT:** Jane K. Albrecht, Esq., Office of the General Counsel, U.S. International

Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202-523-1627.

By order of the Commission.  
Issued: May 24, 1983.

**Kenneth R. Mason,**  
*Secretary.*

[FR Doc. 83-14601 Filed 6-1-83; 8:45 am]  
BILLING CODE 7020-02-M

[Investigation No. 731-TA-130  
(Preliminary)]

**Import Investigations; Chloropicrin From the People's Republic of China Determination**

On the basis of the record<sup>1</sup> developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured,<sup>2</sup> by reason of imports from the People's Republic of China of chloropicrin, provided for in items 408.16, 408.29, or 425.52 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).

**Background**

On April 6, 1983, counsel for LCP Chemicals and Plastics, Inc., and Niklor Chemical Co., Inc., filed a petition with the Commission and the Department of Commerce alleging that imports of chloropicrin from the People's Republic of China are being sold in the United States at LTFV, and that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Accordingly, effective April 6, 1983, the Commission instituted a preliminary antidumping investigation under section 733(a) of the Act (19 U.S.C. 1673b(a)).

Notice of the institution of the Commission's investigation and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the *Federal Register* on April 13, 1983 (48 FR 15964). The conference was held in Washington, D.C. on April

<sup>1</sup> The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

<sup>2</sup> Commissioner Stern determines that there is a reasonable indication that an industry in the United States is materially injured, or threatened with material injury, by reason of the subject imports.

28, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigation to the Secretary of Commerce on May 23, 1983. A public version of the Commission's report, Chloropicrin from the People's Republic of China (Investigation No. 731-TA-130 (Preliminary), USITC Publication 1395, 1983) contains the views of the Commission and information developed during the investigation.

By order of the Commission.

Issued: May 23, 1983.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-14796 Filed 6-1-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA108 and 109  
(Final)]

### Import Investigations; Portland Hydraulic Cement From Australia and Japan

**AGENCY:** United States International  
Trade Commission.

**ACTION:** Institution of final antidumping  
investigations and scheduling of a  
hearing to be held in connection with  
the investigations.

**EFFECTIVE DATE:** May 19, 1983.

**SUMMARY:** As a result of affirmative preliminary determinations by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Australia and Japan of portland hydraulic cement other than white, nonstaining portland cement, provided for in item 511.14 of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigations Nos. 731-TA-108 and 109 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unless the investigations are extended, the Commission will make its final injury determinations by August 26, 1983 (19 CFR 207.25).

**FOR FURTHER INFORMATION CONTACT:**  
Ms. Judith C. Zeck (202-523-0339),  
Office of Investigations, U.S.  
International Trade Commission.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On November 1, 1982, the Commission determined, on the basis of the information developed during the course of its preliminary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of imports of portland hydraulic cement from Australia and Japan which were alleged to be sold at LTFV. The preliminary investigations were instituted in response to a petition filed on September 23, 1982, by counsel for Kaiser Cement Corp., Gifford-Hill Cement Company, Monolith Portland Cement Company, Nevada Cement Company, the Stone, Glass and Clay Coordinating Committee, AFL/CIO, and the United Cement, Lime, Gypsum and Allied Workers International Union, AFL/CIO; CLC.

**Participation in the investigations.**—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11), not later than 21 days after the publication of this notice in the *Federal Register*. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to these investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

**Staff report.**—A public version of the staff report containing preliminary findings of fact in these investigations will be placed in the public record on July 1, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

**Hearing.**—The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m., on July 19, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed

in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on July 5, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on July 11, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is July 14, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on July 26, 1983.

**Written submissions.**—As mentioned, parties to these investigations may file prehearing and posthearing briefs by the dates, shown above. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before July 26, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.8 of the Commission's rules (19 CFR 201.8).

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207,

as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, Subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: May 27, 1983.

Kenneth R. Mason,  
Secretary.

[FR Doc. 83-14806 Filed 6-1-83; 8:45 am]  
BILLING CODE 7020-02-M

## INTERSTATE COMMERCE COMMISSION

### Motor Carriers; Agricultural Cooperative; Intent To Perform Interstate Transportation for Certain Nonmembers

Dated: May 27, 1983.

The following notices were filed in accordance with section 10526(a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt interstate transportation must file the Notice, Form BOp-102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change.

The name and address of the agricultural cooperative (1) and (2), the location of the records (3), and the name and address of the person to whom inquiries and correspondence should be addressed (4), are published here for interested persons. Submission of information which could have bearing upon the propriety of a filing should be directed to the Commission's Office of Compliance and Consumer Assistance, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

- (1) Northwest Agricultural Cooperative Association, Inc. (NACA, INC.)
- (2) P.O. Box 1, Ontario, Oregon 97914
- (3) 920 Southeast Ninth Ave., Ontario, OR 97914
- (4) Ted Hoots, P.O. Box 1, Ontario, OR 97914

Agatha L. Mergenovich,  
Secretary.

[FR Doc. 83-14704 Filed 6-1-83; 8:45 am]  
BILLING CODE 7035-01-M

[OP-5FC-246]

### 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 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.

By the Commission, Review Board No. 3,  
Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,  
Secretary.

Please direct status inquiries to Team 5,  
(202) 275-72-7289.

F.D. 30197. By decision of May 20, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181 Subpart B, Review Board Number 3, approved the transfer to HENRY J. SERWAT, d.b.a. RED WING EXCURSIONS, St. Louis Park, MN, of Certificates Nos. WC-1308 and WC-1308 Sub 2, issued May 17, 1977, and

August 15, 1979, respectively, to BLAINE F. CLAYPOOL, d.b.a. RED WING EXCURSIONS, Lake City, MN, authorizing the transportation of passenger, by self-propelled vessel, in round-trip excursion trips on the Mississippi River, beginning and ending at Red Wing, MN, and extending to Prairie Island, MN, and Bay City, WI, between the months of May and October inclusive of each year; and passengers and their baggage, in regular daily scheduled, sightseeing trips and special charter sightseeing trips, between points and ports along the Mississippi River from 8 miles north of Red Wing, MN, to and including Alma, WI, in seasonal operations from the opening of the river for navigation to the close of navigation of each year. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440.

[FR Doc. 83-14706 Filed 6-1-83; 8:45 am]  
BILLING CODE 7035-01-M

### Motor Carriers; Permanent Authority Decisions; Decision-Notice

*Motor Common and Contract Carriers of Property (fitness-only); Motor Common Carriers of Passengers (fitness-only); Motor Contract Carriers of Passengers; Property Brokers (other than household goods.)* The following applications for motor common or contract carriage of property and for a broker of property (other than household goods) are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the Federal Register on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the Federal Register on December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common or contract carriage of passengers filed on or after November 19, 1982, are governed by Subpart D of the Commission's Rules of Practice. See 49 CFR Part 1160, Subpart D, published in the Federal Register on November 24, 1982, at 49 FR 53271. For compliance procedures, see 49 CFR 1160.86. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E.

These applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with

the appropriate statutes and Commission regulations.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members, Carleton, Williams, and Ewing.

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 in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275-7992.

#### Volume No. OP1-196

Decided: May 24, 1983.

MC 146941 (Sub-2), filed May 13, 1983. Applicant: CRAWFORD TRANSIT, INC., 43 National Ave., Staunton, VA 24401. Representative: Leonard A. Jaskiewicz, 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.

MC 166031, filed May 16, 1983. Applicant: KELLY KOST d.b.a. KELLY KOST TRUCKING, Bowdon, ND 58418. Representative: Richard P. Anderson, Federal Square, 112 Roberts St., P.O. Box 2581, Fargo, ND 58108, (701)-235-3300. Transporting *food and other edible products and by-products intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168080, filed May 16, 1983. Applicant: CORPORATE LIMOUSINE SERVICE, INC., 230 North Fehrway, North Bay Shore, NY 11706. Representative: Ira H. Leibowitz, 585 Steward Ave., Garden City, NY 11530, (516)-222-1800. Transporting *passengers*, in charter and special operations, between points in NY and NJ.

Note.—Applicant seeks to provide privately funded charter and special transportation.

MC 168140, filed May 18, 1983. Applicant: CUSTOM HIGHWAY INTERSTATE EXPRESS FREIGHTBROKERS, INC., 2401 North Harvard Ave., Tulsa, OK 74115, (918)-834-2222. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, (312)-236-9375. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168151, filed May 18, 1983. Applicant: GORDON M. WATERS, JR., d.b.a. WATER'S TRUCKING COMPANY, 3505 Mansfield Drive, Rocky Mount, NC 27801. Representative: Gordon M. Waters, Jr. (same address as applicant) (919) 443-1248. Transporting *food and other edible products and*

*byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168160, filed May 19, 1983. Applicant: H & S TRUCK BROKERAGE OF FOREST, INC., P.O. Box 1556, Forest, MS 39074. Representative: Gene Harvey (same address as applicant) (601) 469-2383. As a *broker of general commodities* (except household goods), between points in the U.S.

#### Volume No. OP1-194

Decided: May 25, 1983.

MC 168040, filed May 13, 1983. Applicant: DAVID A. WERNER, 1047 Jayne St., Eugene, OR 97404. Representative: George LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228-3807. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168070, filed May 17, 1983. Applicant: FRANK W. MCGINNIS, SR., 7920 Widmer, Lenexa, KS 66215. Representative: Frank W. McGinnis, Sr. (same address as applicant) (913) 492-8905. Transporting *passengers*, in charter operations, between points in KS, MO, AR, IA, MN, WI and CO.

Note.—Applicant seeks to provide privately-funded charter transportation.

MC 168081, filed May 16, 1983. Applicant: WILLIAM D. SALYAR, d.b.a. COLUMBINE TRUCKING, INC., 4580 Freeport Way, Denver, CO 80349. Representative: R.L. Buchanan, 1020 W. 100th Place, Northglenn, CO 80221, (303) 452-2055. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 2 at 202-275-7030.

#### Volume No. OP2-246

Decided: May 23, 1983.

MC 167782, filed May 4, 1983. Applicant: SOUNDVIEW LIMO SERVICE, INC., d.b.a. SOUNDVIEW TOUR AND LIMO SERVICE, INC., 5710

38th Ave., NW., Gig Harbor, WA 98335. Representative: Frank R. Gateley (same address as applicant) 206-851-8687. Transporting *passengers*, in charter operations, beginning and ending at points in Kitsap, Pierce, and King Counties, WA, and extending to points in the U.S. (except AK and HI).

**Note.**—Applicant seeks to provide privately-funded charter transportation.

MC 167982, filed May 10, 1983. Applicant: E. SHANNON KIRK, d.b.a. CAPITAL BUS LINES, 1704 Augusta Rd., West Columbia, SC 29169. Representative: Kenneth G. Goode, 210 South Vanderhorst St., Winnsboro, SC 29180, 803-635-5912. Transporting *passengers*, in charter and special operations, beginning and ending at points in SC, and extending to points in the U.S. —

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

MC 167983, filed May 12, 1983. Applicant: EDWARD H. STANN, 220 Hillside Ave., Chatham, NJ 07928. Representative: Edward H. Stann (same address as applicant), 201-635-8616. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 167992, filed May 12, 1983. Applicant: FAY V. KLINK AND BARBARA L. KLINK, 8 Salisbury St., Meyersdale, PA 15552. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 4th Ave., Pittsburgh, PA 15222, 412-471-3300. 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 167993, filed May 12, 1983. Applicant: EDWARD P. BEDNAREK, d.b.a. BEDNAREK TRUCKING, 900 Southwest 8th St., P.O. Box 323, Little Falls, MN 56345. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, 414-722-2848. Transporting (1) *pulp, paper and related products*, between points in Morrison County, MN, on the one hand, and, on the other, points in Effingham County, IL, and St. Louis, MO, and (2) *food and related products*, between St. Louis, MO, on the one hand, and, on the other, points in Morrison County, MN.

MC 168042, filed May 13, 1983. Applicant: ALVIN L. TIGNOR, d.b.a. AMERICAN TRANSNATIONAL BROKERS, 336 South Richardson Rd., Ashland, VA 23005. Representative: Frank L. Willard, Suite Number 1001, First & Merchants National Bank Bldg., Norfolk, VA 23510, 804-627-0070. As a

*broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168062, filed May 16, 1983. Applicant: CARL MILES TRUCK BROKERS, INC., P.O. Box 10172, Fresno, CA 93745. Representative: Carl Miles, P.O. Box 31022, Birmingham, AL 35222, 205-428-8629. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168063, filed May 16, 1983. Applicant: M & K BROKERAGE, INC., West Main St., Allerton, IA 50008. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, 501-521-8121. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168082, filed May 16, 1983. Applicant: HAPPY ROCK TRANSPORTATION, INC., 19393 S.E. Kay St., Milwaukie, OR 97222. Representative: Bill L. Watkins (same address as applicant), 503-658-4098. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168092, filed May 16, 1983. Applicant: EDWARD M. MARX, d.b.a. ECONOMY MOVING & TRANSFER CO., 5826 N. Clark St., Chicago, IL 60660. Representative: Edward M. Marx (same address as applicant), 312-561-7130. (1) As a *broker of general commodities* (except household goods), between points in the U.S., and (2) as a *broker of household goods*, between points in U.S.

**Note.**—Part (1) is published in the *Federal Register*, this issue, under the preface with "fitness applications".

MC 168093, filed May 16, 1983. Applicant: ROBERT GYNN, d.b.a. INTERMODAL MARKETING CONSULTANTS, 5200 Meadowview Ave., North Bergen, NJ 07047. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, 201-791-2270. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168103, filed May 16, 1983. Applicant: RONALD NEAL, d.b.a. J.R. INDUSTRIAL MANUFACTURING, 1017 3rd Ave. NW, Watertown, SD 57201. Representative: Ronald Neal (same address as applicant) 605-886-8612. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor

vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 168132, filed May 18, 1983. Applicant: ROCKWELL MANAGEMENT & CONSULTANTS, INC., 1520 Stuckert Rd., Warrington, PA 18976. Representative: Robert B. Einhorn, 3220 PSFS Bldg., 12 S. 12th St., Philadelphia, PA 19107, 215-922-1400. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168153, filed May 18, 1983. Applicant: JAN-CAR LEASING CORP., West Road, Hudson, NH 03051. Representative: Hugh R. H. Smith, 26 Kenwood Place, Lawrence, MA 01841, 617-657-6071. Transporting *passengers*, in charter and special operations, between points in MA, NH, ME, RI, VT, CT, NY, NJ, PA, DE, MD, VA, WV, OH, FL, KY, and DC.

**Note.**—Applicant seeks to provide privately-funded charter and special transportation.

**For the following, please direct status calls to Team 4 at 202-275-7669.**

Volume. No. OP4-320

Decided: May 23, 1983.

MC 150006 (Sub-5), filed May 17, 1983. Applicant: RICHARD L. JENKINS & WARDELL E. JENKINS, d.b.a. JENKINS BUILDING SUPPLY, P.O. Box 30, Alpine, WY 83128. Representative: Timothy R. Stivers, P.O. Box 1576, Bosie, ID 83701 (208) 343-3071. Transporting (A) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI). (B) As a *broker of general commodities* (except household goods), between points in the U.S. (C) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of ND, SD, KS, NE, OK, and TX (except AK and HI).

**Note.**—Because this application includes issues subject to a finding of Public Convenience and Necessity as well as fitness only, it will be published in two volumes of this *Federal Register* issue. Part A and B will be published in Vol. Number 320. Part C will be published in Vol. Number 321.

MC 167996, filed May 13, 1983. Applicant: B. J. TOURS, INC., 1 Van Tassel Dr., Lindale, GA 30147. Representative: Frank Quarles (same address as applicant), (404) 234-7337. Transporting *passengers*, in charter and special operations, beginning and ending at points in Floyd County, GA, and

extending to points in the U.S. (except AK and HI).

Volume No. OP4-328

Decided: May 26, 1983.

MC 130457 (Sub 2), filed May 13, 1983. Applicant: W. J. CONDREN, INC., 7506-7510 Third Ave., Bay Ridge, NY 11209. 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.

[FR Doc. 83-14712 Filed 6-1-83; 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 following types of applications as indicated: common carrier of property—that the service proposed will serve a useful public purpose, responsive to a public demand or need; water common carrier—that the transportation to be provided under the certificate is or will be required by the public convenience and necessity; water contract carrier, motor contract carrier of property, freight forwarder, and household goods broker—that the transportation will be consistent with the public interest and the transportation policy of section 10101 of chapter 101 of Title 49 of the United States Code.

These presumptions shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Agatha L. Mergenovich,  
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 U.S.C. 10922(c)(2)(B) to operate in intrastate commerce over regular routes as a motor common carrier of passengers are duly noted.

For the following, please direct status calls to Team 1 at 202-275-7992.

Volume No. OP1-193

Decided: May 20, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Parker not participating.)

MC 167711, filed April 29, 1983. Applicant: RELIANCE TRANSPORT SERVICES, INC., P.O. Box 3117, Kingsport, TN 37664. Representative: John R. King, III (same address as applicant) (615) 288-4908. Transporting *general commodities* (except classes A and B explosives, and household goods) between points in the U.S. (except AK and HI).

Note.—This application is directly related to a petition for exemption, docketed MC-F-15256, published in this same FR issue.

Volume No. OP1-195

Decided: May 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 96691 (Sub-3), filed May 18, 1983. Applicant: E. B. TRANS. CO., INC., 475 "C" Street, So. Boston, MA 02127. Representative: Hughan R. H. Smith, 26 Kenwood Place, Lawrence, MA 01481, (617) 657-8250. Transporting *general commodities* (except classes A and B explosives and household goods), between points in MA, RI, NH, CT, VT and ME, on the one hand, and, on the other, points in MA, RI, NH, CT, VT, ME, NY, NJ, PA, AL, DE, FL, GA, IL, IN, KS, KY, CA, MD, MI, NC, SC, OH, TN, VA, WV, and DC.

MC 108380 (Sub-114), filed May 16, 1983. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, WY 82701. Representative: Manuel Andrade, Jr., Suite 228, 770 Grant St., Denver, CO 80203, (303) 861-4273. Transporting (1) *chemicals*, between points in the U.S. (except AK and HI), (2) *bentonite and additives*, between points in MS, NC, OH, WA and WY, on the one hand, and, on the other, points in AL, AR, CA, CO, FL, GA, IA, IL, IN, KS, KY, LA, MD, MI, MN, MO, MS, NC,

NH, NJ, NM, NY, OH, OK, PA, RI, SC, SD, TX, TN, UT, VA, WA and WI, and (3) ores and minerals, between Rapid City, SD, on the one hand, and, on the other, points, in MT, WY and UT.

MC 134701 (Sub-10), filed May 18, 1983. Applicant: J-V, INC., 723 E. 8425 South, Sandy, UT 84070. Representative: Irene Warr, 311 South State Street, Suite 280, Salt Lake City, UT 84111, (801) 531-1300. Transporting *lumber and wood products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sunchild Forest Products 1983, Division of Pelican Spruce Mills Ltd., of Winterburn, Alberta, Canada.

MC 138951 (Sub-3), filed May 17, 1983. Applicant: W.R. MEEKER, INC., P.O. Box 186, 602 New Market Ave., South Plainfield, NJ 07080. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10038, (212) 486-0220. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Thylin Steel Co., Inc., of Long Island City, NY.

MC 147201 (Sub-5), filed May 16, 1983. Applicant: MARLOR ENTERPRISES, LTD., 17-1583 Pemberton Ave., N. Vancouver, BC Canada. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 09609, (213) 945-2745. 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 147911 (Sub-11), filed May 17, 1983. Applicant: TILFORD TRUCKING, INC., P.O. Box 34, Readyville, TN 37149. Representative: Henry E. Seaton, 1024 Pennsylvania Bldg., 425 13th St. NW., Washington, DC 20004, (202) 347-8862. Transporting *such commodities* as are dealt in or used by wholesale and retail grocery stores and food business houses, between points in the U.S. (except AK and HI).

MC 163040, filed May 3, 1983. Applicant: ROGER L. MADDOX, d.b.a. MATTOX MOTOR SERVICE, 9638 South Harvard Ave., Chicago, IL 60628. Representative: Roger L. Maddox (same address as applicant) (312) 928-8750. Transporting *metal products, chemicals and related products, clay, concrete, glass or stone products, and waste or scrap materials not identified by producing industry*, between Chicago, IL, on the one hand, and, on the other, points in AR, IL, IN, IA, KY, MI, MN, MO, OH, TN and WI.

MC 164771 (Sub-1), filed May 16, 1983. Applicant: ALLEN FREIGHT LINES, INC., 1401 Traffic Way, Building D,

Kansas City, KS 66115. Representative: Thomas M. O'Brien, 180 North Michigan Ave., Suite 1700, Chicago, IL 60601. 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 1656911, filed May 16, 1983. Applicant: ROY V. WEEDMAN, d.b.a. COWBOY TRANSPORT, 12217 S.E. 22, Milwaukie, OR 97222. Representative: Roy V. Weedman (same address as applicant) (503) 653-1198. Transporting *plumbing products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Sunrise Pipe & Supply Ltd., of Portland, OR.

MC 167961, filed May 10, 1983. Applicant: THE MUSICLAND GROUP, 7500 Excelsior Blvd., Minneapolis, MN 55426. 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 K-Tel International, Inc., of Minnetonka, MN, 5-D Truck Leasing, of New Brighton, MN, Busch Brokerage and Company, Inc., of South St. Paul, MN.

MC 168090, filed May 16, 1983. Applicant: SMITH ENTERPRISES, INC., P.O. Box 487, Hooks, TX 75561. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521-8121. 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 Charles McAlpin Brokerage, Inc., of Decatur, AL.

MC 168101, filed May 16, 1983. Applicant: C.S.C. INCORPORATED, 1109 Court Street, Medford, OR 97501. Representative: William D. Thorndike, Jr. (same address as applicant) (503) 779-1970. 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 168121, filed May 17, 1983. Applicant: N & B TRUCKING CO., INC., P.O. Box 98, Kellyville, OK 74039. Representative: Norman T. Fowikes III, 1919 Pennsylvania Ave., N.W., Suite 500, Washington, DC 20006, (202) 828-5082. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S. (except AK and HI).

MC 168141, filed May 17, 1983. Applicant: BUTLER TRANSFER, INC., P.O. Box 174, Dublin, NC 28332. Representative: Deway A. Bruce (same address as applicant) (919) 862-4258. Transporting *metal products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Wolverine Brass Works Division of the Citation Walther Corporation, of Grand Rapids, MI.

#### Volume No. OP1-197

Decided: May 24, 1983.  
By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 58851 (Sub-11), filed May 20, 1983. Applicant: RUDOLF EXPRESS CO., 1650 Armour Road, Bourbonnais, IL 60914. Representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603, (312) 236-9375. 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), under continuing contract(s) with Henkel Corporation, of Minneapolis, MN, and GNB Batteries, Inc., of Kankakee, IL.

MC 75840 (Sub-174), filed May 19, 1983. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, Birmingham, AL 35202. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *general commodities* (except classes A and B explosives and household goods), between points in the U.S., (except AK and HI), under continuing contract(s) with Gulf States Paper Corporation, of Tuscaloosa, AL, Great Southwest Warehouses, Inc., of Houston, TX, Dr. Pepper Company, of Dallas, TX, and Fritz Companies, Inc., of San Francisco, CA.

MC 115831 (Sub-21), filed May 4, 1983. Applicant: TIDEWATER TRANSIT CO., INC., P.O. Box 189, Kinston, NC 28501. Representative: Ralph McDonald, P.O. Box 2248, Raleigh, NC 27602, (919) 828-0731. Transporting *chemicals and related products*, between those points in the U.S. in and east of MN, WI, IL, KY, TN, MS, LA and TX.

MC 121811 (Sub-14), filed May 18, 1983. Applicant: McCLELLAN'S ENTERPRISES, INC., d.b.a. McCLELLAN TRUCK LINES, P.O. Box 1327, Tifton, GA 31794. Representative: J. L. Fant, P.O. Box 577, Jonesboro, GA 30237, (404) 477-1525. 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 Castellaw

Transportation Consultants, Inc., of Jonesboro, GA.

MC 123880 (Sub-3), filed May 17, 1983. Applicant: BROWN GOBBLE d.b.a. GOBBLE TRUCKING COMPANY, 706 High St., Lawrenceburg, TN 38464. Representative: Brown Gobble (same address as applicant) (615)-762-5123. Transporting *fertilizer, fertilizer materials and agricultural chemicals*, between points in AL, AR, FL, GA, IN, KS, KY, LA, MO, MS, OH, TN, VA and IL.

MC 141661 (Sub-2), filed May 19, 1983. Applicant: TANNAHILL TRANSPORT LTD./LTEE, Allan's Corners, Ormstown, Quebec, Canada JOS 1K0. Representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167, (313) 349-3980. Transporting *animal feed and animal feed ingredients*, between points in the U.S. under continuing contract(s) with the Enerpro By-Products Division of Maple Leaf Mills Ltd., of Chateaugay, Quebec, Canada.

MC 150411 (Sub-2), filed May 18, 1983. Applicant: JERRY REID TRUCKING LTD., 16728-111 Ave., P.O. Box 5364, Edmonton, Alberta, Canada T5P 4C9. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237-4223. Transporting *food and related products, clay, concrete, glass or stone products, and lumber and wood products*, between the ports of entry on the international boundary line between the U.S. and Canada, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 158651 (Sub-12), filed May 20, 1983. Applicant: GRAEBEL VAN LINES, INC., 719 North Third Avenue, Wausau, WI 54401. Representative: John E. Koci (same address as applicant), (715) 675-9481. Transporting *household goods*, between points in the U.S., under continuing contract(s) with Touche Ross & Co., of New York, NY.

MC 159751 (Sub-3), filed May 18, 1983. Applicant: PROFESSIONAL TRANSPORT, INC., P.O. Box 23207, Rochester, NY 14692. Representative: Michael A. Wargula, Suite 808, 69 Delaware Ave., Buffalo, NY 14202, (716)-856-2942. 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 the Personal Products Division of Bausch & Lomb, Inc., of Rochester, NY.

MC 168051, filed May 13, 1983. Applicant: M & H TRUCK RENTAL, INC., P.O. Box 262, Lansdale, PA 19446. Representative: Peter A. Greene, 1920 N

St. N.W., Washington, DC 20036, (202)-331-8800. Transporting *general commodities* (except A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 168100, filed May 17, 1983. Applicant: LYNCON ENTERPRISES, INC., 124 Poinier St.-Bldg. D, Newark, NJ 07114. Representative: Joseph S. Coladarci, Jr., 11 Brookside Court, Parsippany, NJ 07054, (201)-388-9393. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NY, NJ, CT and PA.

For the following, please direct status calls to Team 2 at 202-275-7293.

Volume No. OP2-247

Decided: May 23, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 147282 (Sub-4), filed May 6, 1982. Applicant: SCOTT WEBSTER TRUCKING COMPANY, 209 Valley Park Dr., Pittsburgh, PA 15216. Representative: Scott Webster (same address as applicant), 412-343-0129. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in DE, KY, MD, NJ, NY, OH, PA, and WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152652 (Sub-2), filed May 12, 1983. Applicant: FRANK T. OSOWIECKY, JR. d.b.a. FALD LEASING, RD #1, Box 128, Averill Park, NY 12018. Representative: Michael A. Wargula, Suite 808, 69 Delaware Ave., Buffalo, NY 14202, 716-856-2942. Transporting *pulp, paper, and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Nashua Corporation, of Nashua, NH.

MC 162552 (Sub-2), filed May 16, 1983. Applicant: RONMAT LEASING, INC., 126 Crosswinds Ct., Murrysville, PA 15668. Representative: Arthur J. Diskin, 402 Law & Finance Bldg., Pittsburgh, PA 15219, 412-281-9494. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI), under continuing contract(s) with (a) Action Industries, Inc., of Cheswick, PA, and (b) Film Recovery Systems Corp., of Elk Grove Village, IL.

MC 162832 (Sub-1), filed May 12, 1983. Applicant: SOUTHERN REFRIGERATED CARRIERS, INC., 1720 Central Ave., Memphis, TN 38104. Representative: Kim D. Mann, Suite

1301, 1600 Wilson Blvd., Arlington, VA 22209, 703-522-0900. Transporting *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with John Morrell & Co., of Northfield, IL.

MC 163753 (Sub-1), filed May 13, 1983. Applicant: BARON TRANSPORT, INC., 1336 Southwest 12th Ave., Ocala, FL 32674. Representative: W. B. Edrington IV, P.O. Box 31022, Birmingham, AL 35222, 205-428-8629. 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 Bando Transportation Service, Inc., of Birmingham, AL.

MC 165842, filed May 13, 1983. Applicant: WAYNE L. HANSON, Route 3, Box 1540, Ellensburg, WA 98926. Representative: Wayne L. Hanson (same address as applicant), 509-968-3815. Transporting *fertilizer*, between points in WA and ID.

MC 166033, filed May 13, 1983. Applicant: PATRICK J. JOHNSON, Route 2, Box 1230, Ellensburg, WA 98926. Representative: Patrick J. Johnson, (same address as applicant), 509-968-3009. Transporting *fertilizer*, between points in WA and ID.

MC 167273, filed May 12, 1983. Applicant: N. J. S. TRANSPORT CO., INC., 9 Puritan Rd., Sayville, NY 11782. Representative: William J. Augello, 120 Main St., Huntington, NY 11743, 516-427-0100. Transporting *automobiles, trucks, and vans*, between points in NY, NJ, PA, CT, MA, RI, VA, DE, MD, and DC.

MC 167873 (Sub-1), filed May 16, 1983. Applicant: TATER TOTERS, INC., 19393 S.E. Kay St. Milwaukie, OR 97222. Representative: Bill L. Watkins (same address as applicant), 503-656-4098. Transporting *general commodities* (except classes A and B explosives and household goods), between points in AK, AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 168002, filed May 10, 1983. Applicant: CIRCLE C BAR TRUCKING COMPANY, Highway 15-West, West Monroe, LA 71291. Representative: Ronnie A. Collie, Rte. 1, Box 407, Calhoun, LA 71225, 318-396-1705. Transporting *building materials*, between points in AR, LA, MS, TN, TX, KS, OK, and AL.

MC 168043, filed May 16, 1983. Applicant: BRY AND COMPANY, INC., d.b.a. PERRY TRANSFER & STORAGE, 4725 Forest St., Denver, CO 80216. Representative: David E. Driggers, 1600 Lincoln Center, 1660 Lincoln St., Denver,

CO 80264, 303-861-4028. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, NE, NM, and WY.

MC 168052, filed May 13, 1983.

Applicant: L. THOMAS STANTON HORSE TRANSPORTATION, INC., Route 1, PO Box 176, Williston, FL 32696. Representative: Michael R. Werner, 241 Cedar Lane, Teaneck, NJ 07666, 201-836-1144. Transporting *horses and such commodities* used in the handling and transportation of horses, between points in TX, NE, and those in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 168092, filed May 16, 1983.

Applicant: EDWARD M. MARX, d.b.a. ECONOMY MOVING & TRANSFER CO., 5826 N. Clark St., Chicago, IL 60660. Representative: Edward M. Marx (same address as applicant), 312-561-7130. (1) As a *broker of general commodities* (except household goods), between points in the U.S., and (2) as a *broker of household goods*, between points in the U.S.

Note.—Part (2) is published in the Federal Register, this issue, under the preface with "regular applications."

For the following, please direct status calls to Team 3 at 202-275-5223.

*Volume No. OP3-227*

Decided: May 20, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing. (Member Williams not participating.)

MC 14314 (Sub-58), filed May 6, 1983.

Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Lima, OH 45802. Representative: Ronald D. Mills (same address as applicant) (419) 222-8045. 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 Montgomery Ward & Co., of Chicago, IL.

MC 45764 (Sub-42), filed May 6, 1983.

Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, PA 19029. Representative: Paul F. Sullivan, Suite 202, 3408 Wisconsin Ave., NW., Washington, DC 20016 (202) 363-1848. 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 111274 (Sub-95), filed May 6, 1983.

Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 351, Morton, IL 61550. Representative: Frederick C. Schmidgall (same address as applicant), (309) 266-9773. Transporting *forest products*,

*lumber and wood products, and paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Birmingham International Forest Products, of Birmingham, AL.

MC 148234 (Sub-3), filed May 3, 1983.

Applicant: LAWRENCE TRUCKING, INC., 14230 Dalewood Ave., Baldwin Park, CA 91706. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield CA 93306, (805) 872-1106. Transporting *pulp, paper and related products, furniture and fixtures, and toilet preparations*, between points in CA and OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 150584 (Sub-2), filed May 5, 1983.

Applicant: PAPER MERCHANTS TRANSPORT AND SUPPLY, INC., 125 Madison St., Oakland, CA 94607. Representative: Michael S. Rubin, 100 Bush St., Suite 410, San Francisco, CA 94104, (415) 421-6743. Transporting *pulp, paper and related products, rubber and plastic products, and food and related products*, between points in CA, OR, WA, UT, CO, AZ, NV, ID, MT, WY, and NM.

MC 156314 (Sub-2), filed April 27,

1983. Applicant: AALCO MOVING & STORAGE, INC., d.b.a. WEST COAST MOVING SYSTEMS, 5747 Imperial Way, SW, Fort Orchard, WA 98386. Representative: Robert J. Gallagher, 1000 Connecticut Avenue NW., Suite 1200, Washington D.C. 20036, (202) 785-0024. Transporting *Household goods and furniture and fixtures*, between points in the U.S. (except AK, HI and VT).

MC 167364, filed April 11, 1983.

Applicant: ASTRO HAULING COMPANY, 5184 Broerman Ave., Cincinnati, OH 45217. Representative: Walter G. Hunter, 6352 Montgomery Road, Cincinnati, OH 45213, (513) 396-6489. Transporting (1) *Food and related products*, and (2) *pulp and paper products*, between points in the U.S. (except AK and HI), under continuing contract(s) with (a) Beatrice Foods Company, Cincinnati Fruit and Extract Works of Cincinnati, OH, (b) Pulp and Paper Exchange, Inc., of Columbus, OH, and (c) Consolidated Foods, Inc. of San Francisco, CA.

MC 167605, filed May 5, 1983.

Applicant: JOHN H. BERNECHE, d.b.a. J. B. & SONS, 2790 Matilda, Roseville, MN 55113. Representative: Robert S. Lee, 121 S. Eighth St., 1600 TCF Tower, Minneapolis, MN 55402 (612) 333-1341. 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 Miller (Little-Giant) Manufacturing Company, Inc., of South St. Paul, MN.

MC 167685, filed April 28, 1983.

Applicant: AFFILIATED CARRIERS INC., P.O. Box 1067, Norfolk, NE 68701. Representative: David R. Parker, P.O. Box 81228, Lincoln, NE 68501, (402) 475-4414. Transporting *such commodities* as are dealt in or used by grocery stores and food business houses, between points in CO, IA, KS, MN, MO, NE, ND, SD, and WY.

MC 167785, filed May 4, 1983.

Applicant: TIGNOR TRUCKING CORP., 336 S. Richardson Rd., Ashland, VA 23005. Representative: Frank L. Willard, Suite #1001, First & Merchants Nat'l Bank Bldg., Norfolk, VA 23510, (804) 627-0070. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 4 at 202-275-7669.

*Volume No. OP4-321*

Decided: May 23, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 150008 (Sub-5), filed May 17, 1983.

Applicant: RICHARD L. JENKINS & WARDELL E. JENKINS, d.b.a. JENKINS BUILDING SUPPLY, P.O. Box 30, Alpine, WY 83128. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting (A) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S. (except AK and HI). (B) As a *broker of general commodities* (except household goods), between points in the U.S. (C) *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and west of ND, SD, KS, NE, OK, and TX (except AK and HI).

Note.—Because this application includes issues subject to a finding of Public Convenience and Necessity as well as fitness only, it will be published in two volumes of this Federal Register issue. Parts A and B will be published in VOL #320. Part C will be published in VOL #321.

*Volume No. OP4-317*

Decided: May 23, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

FF-696, filed May 16, 1983. Applicant: GOLLOTT FORWARDING, INC., P.O. Box 468, Biloxi, MS 39533.

Representative: David E. Tinker, 1000 Connecticut Ave., NW, Suite 1112, Washington, DC 20036-5391, (202) 887-5868. As a freight forwarder, in connection with the transportation of *household goods, furniture, fixtures, unaccompanied baggage, and used automobiles*, between points in the U.S.

FF-697, filed May 17, 1983. Applicant: EATON WORLD FORWARDING, INC., 9325 First St., N. St. Petersburg, FL 33702. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833-8894. As a freight forwarder, in connection with the transportation of *used household goods, unaccompanied baggage and used automobiles*, between points in the U.S.

MC 59336 (Sub-31), filed May 16, 1983. Applicant: U.S. TRUCK COMPANY, INC., 3500 Toledo Ave., Detroit MI 48216. Representative: Leonard R. Kofkin, 150 S Dearborn St., Suite 1515, Chicago, IL 60603, (312) 580-2210. 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 121107 (Sub-27), filed May 12, 1983. Applicant: PITT COUNTY TRANSPORTATION COMPANY, INC., P.O. Box 207, Farmville, NC 27828. Representative: George W. Selby, Jr., 1090 Vermont Ave., Suite 200, Washington, DC 20005, (202) 783-8131. 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 Weyerhaeuser Company of Plymouth, NC.

MC 121496 (Sub-85), filed May 16, 1983. Applicant: ENTERPRISE TRANSPORTATION COMPANY, P.O. Box 4324, Houston, TX 77210. Representative: John E. Smith, II (same address as applicant), (713) 880-6562. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Monsanto Company of St. Louis, Mo.

MC 133567 (Sub-1), filed May 16, 1983. Applicant: ARTHUR JOHN McCASHIN, JR., d.b.a., CAROLINA HORSE TRANSPORTS, Box 296, Clemmons, NC 27012. Representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602, (502) 223-8244. Transporting *horses, other than ordinary, personal effects of attendants, and supplies and equipment, used in the care or exhibition of such horses*, (1) between points in AL, AR, FL, KY, MS, TN, VA and WV, and (2) between points in NC, SC and GA, on

the one hand, and, on the other points in AL, AR, FL, KY, MS, TN, VA and WV.

MC 134616 (Sub-6), filed May 17, 1983. Applicant: KEARNEY'S TRUCKING SERVICE, INC., P.O. Box 264, Portland, PA 18351. Representative: Raymond Talipski, 121 S Main St., Taylor, PA 18517 (717) 344-8030. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in NY, NJ and PA, on the one hand, and, on the other, points in OH, IN, MI, IL, CA, WA and OR.

MC 138926 (Sub-10), filed April 7, 1983, originally published in the *Federal Register* issue of April 20, 1983, and republished herein. Applicant: GENCOM, INC., R.R. No. 4, Box 697, Marshall, MO 65340. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102 (314) 636-2321. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in MO, and KS, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note: The purpose of this republication is to accurately reflect the authority sought by applicant.

MC 143986 (Sub-3), filed May 16, 1983. Applicant: WILLEY FREIGHT WAYS, INC., 14836 LaSalle St., Dolton, IL 60419. Representative: Carl L. Steiner, 135 S LaSalle St., Chicago, IL 60603 (312) 236-9375. 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), under continuing contract(s) with Nickal Freight Consultants, Inc. of Highland, IN.

MC 146166 (Sub-8), filed May 13, 1983. Applicant: TRIANGLE TRANSPORT CO., INC., 74 Sulyma St., Cumberland, RI 02864. Representative: William F. Poole, 22 Knollwood Circle, N. Kingstown, RI 02852 (401) 885-0474. 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 146516 (Sub-11), filed May 16, 1983. Applicant: ALEXANDER TRUCKING, INC., 1209 S Woodland Dr., Dothan, AL 36302. Representative: Daniel O. Hands, 104 S Michigan Ave., Suite 410, Chicago, IL 60603 (312) 641-1944. Transporting *food and related products*, between Tampa, FL, Gulfport, MS, Galveston, TX, and Charleston, SC, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO,

NE, NM, NC, ND, OH, OK, SC, SD, TN, TX, VA, WV and WI.

MC 147677 (Sub-5), filed May 13, 1983. Applicant: PERRY MOTOR FREIGHT, INC., 801 S. Meadow, Odessa, TX 79763. Representative: John T. Coon (same address as applicant) (915) 332-1614. Over regular routes, transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between Whites City, NM and El Paso, TX over U.S. Hwy 62/180, serving all intermediate points.

MC 149067 (Sub-3), filed May 18, 1983. Applicant: SUN VALLEY TRUCKING, INC., 149 Franklin St., Oakland, CA 94607. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986-8696. Transporting *food and related products*, between points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA and WY.

MC 163136 (Sub-1), filed May 17, 1983. Applicant: JIMWAY, INC., 6030-A Unity Dr., Norcross, GA 30070. Representative: Thomas J. O'Brien, 234 Mt. Pleasant Ave., Ambler, PA 19002 (215) 646-8220. 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 Intermodal Brokerage Services, Inc., of Norcross, GA.

MC 163896 (Sub-1), filed May 17, 1983. Applicant: S.D.H. CORPORATION, U.S. Route 40, West Terre Haute, IN 47885. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Suite 500, Washington, DC 20006 (202) 828-5015. Transporting *pulp, paper and related products, and textile mill products*, between points in IA, IL, IN, MO, and WI.

MC 166727, filed May 17, 1983. Applicant: EDWARDS DISTRIBUTORS, INC., 215 Waukechon St., P.O. Box 128, Shawano, WI 54186. Representative: Nancy J. Johnson, 103 East Washington St., Box 218, Crandon, WI 54520 (715) 478-3341. Transporting *food and related products*, between points in Wood, Outagamie, Brown, and Shawano Counties, WI, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 167436, filed May 13, 1983. Applicant: STAGGS TRUCKING, INC., Rt. 2, P.O. Box 871, Hennessey, OK

73147. Representative: William P. Parker, 4400 N. Lincoln, Suite 10, Oklahoma City, OK 73105 (405) 424-3301. Transporting *Mercer commodities*, between points in AL, AR, CA, CO, KS, KY, LA, MI, MS, MT, ND, NE, NM, NY, OH, OK, PA, SD, TX, VA, WV, and WY.

MC 168036, filed May 12, 1983. Applicant: BAUSCH & LOMB, INCORPORATED, 465 Paul Rd., P.O. Box 22737, Rochester, NY 14692. Representative: Thomas E. Brissenden (same address as applicant) (716) 338-8779. 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 Vertex Associates Transportation, Inc., of Rochester, NY, National Distribution Agency, of Norwalk, CA, United Freight Brokers, Inc., of Hodgekins, IL, and Southern Warehouse Corporation, of Dallas, TX.

MC 168037, filed May 13, 1983. Applicant: BONNIE LINDBERG AND DAVE JOHNSON, d.b.a. BLUE STAR TRUCKING, P.O. Box 32025, Fridley, MN 55432. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333-1341. 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 Reserve Supply Company, of Fridley, MN.

*Volume No. OP4-324*

Decided: May 25, 1983.

By the Commission, Review Board No. 2, Members Carleton, Williams, and Ewing.

MC 114227 (Sub-15), filed May 10, 1983. Applicant: A & C CARRIERS, INC., 2909 E. Laketon Ave., Muskegon, MI 49442. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933 (517) 482-2400. Transporting *chemicals and related products*, between points in Linn County, IA, on the one hand, and, on the other, points in MI.

MC 145596 (Sub-8), filed May 10, 1983. Applicant: A & M EXPRESS, INC., 1136 Haley Rd., P.O. Box 667, Murfreesboro, TN 37130. Representative: Roland M. Lowell, 501 Union St., Fifth Floor, Nashville, TN 37219 (615) 256-1290. (A) Over irregular routes, transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between Atlanta, GA, and points in the U.S. (except AK and HI), and (2) between points in Knox County, TN, and points in the U.S. (except AK and HI) and (B) Over regular routes, transporting *general commodities* (except classes A

and B explosives, household goods, and commodities in bulk), (1) between Atlanta, GA and Knoxville, TN, (a) from Atlanta over Interstate Hwy 85 to junction Interstate Hwy 26, then over Interstate Hwy 26 to junction Hwy 40, then over Interstate Hwy 40 to Knoxville, and return over the same route, and (b) from Atlanta over Interstate Hwy 75 to Knoxville, and return over the same route, serving all intermediate points in routes (B)(1) (a) and (b) above.

Note.—Applicant intends to tack (A) (1) and (2) above to (B)(1) (a) and (b) above, and to tack (B)(1)(a) above with existing authority.

MC 145966 (Sub-14), filed May 4, 1983. Applicant: NELSEN BROS., INC., P.O. Box 613, Nebraska City, NE 68410. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501-2028 (402) 475-6761. Transporting (1) *paper and paper products*, (2) *rubber and plastic products*, (3) *electrical equipment*, (4) *transportation equipment*, (5) *such commodities as are dealt in or used by grocery and food houses*, (6) *food and related products*, and (7) *metal products*, between points in the U.S. (except AK and HI).

Condition: Issuance of a certificate in this proceeding is subject to coincidental cancellation of the Permit in No. MC-145966 (Sub-No. P9)X, served February 19, 1982, and the underlying superseded authority in Permits Nos. MC-113382 (Sub-Nos. 15, 19, 24, and 25, and Permits Nos. MC-113382 (Sub-Nos. 1, 13, 14, 18, and 22.

For the following, please direct status calls to Team 5 at 202-275-7289.

*Volume No. OP5-250*

Decided: May 19, 1983.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 29648 (Sub-16), filed May 9, 1983. Applicant: E. F. SMITH, INC., P.O. Box 73, Roaring Spring, PA 16673. Representative: J. Bruce Walter, 410 North Third St., P.O. Box 1146, Harrisburg, PA 17108, 717-233-5731. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in PA, on the one hand, and, on the other, points in MD, IN, MI, NY, OH, PA, WV, VA, NJ, NC, DE, TN, KY and DC.

MC 52869 (Sub-105), filed May 3, 1983. Applicant: NORTHERN TANK LINE, P.O. Box 970, Miles City, MT 59301. Representative: Michael E. Miller, 15 Broadway, Suite 502, Fargo, ND 58102, 701-235-4487. Transporting *liquid petroleum and petroleum products, and natural gas and its products*, between points in WA, OR, ID, UT, MT, WY, CO,

ND, SD, NE, MN, IA, WI, IL, and the Upper Peninsula of MI, under continuing contract(s) with persons who are engaged in the business as producers, refiners, distributors, dealers or users of liquid petroleum and petroleum products and natural gas and its products in bulk.

MC 79658 (Sub-75), filed May 9, 1983. Applicant: ATLAS VAN LINES, INC., 1212 St. George Rd., P.O. Box 509, Evansville, IN 47711. Representative: Michael L. Harvey (same address as applicant.) (812) 424-2222. Transporting *household goods* between points in the U.S. (except AK and HI), under continuing contract(s) with Butler's Shoe Corporation, of Marietta, GA.

MC 96719 (Sub-15), filed May 11, 1983. Applicant: THRASHER TRUCKING COMPANY, P.O. Box 116, Monahans, TX 79756. Representative: James W. Hightower, Suite 301, 5801 Marvin D. Love Freeway, Dallas, TX 75237-2385, 214-339-4108. Transporting *machinery, metal products, and building materials*, between points in the U.S. (except AK and HI).

MC 109028 (Sub-19), filed May 10, 1983. Applicant: S & W TRANSFER, INC., 312 East Wisconsin Ave., Milwaukee, WI 53202. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440, 612-542-1121. Transporting (1) *pulp paper and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with Flambeau Paper Co., of Park Falls, WI; Northamerican Paper Co., of Franklin Park, IL; Potlatch Corp., Northwest Paper Div., of Cloquet, MN; Rhinelander Paper Co., of Rhinelander, WI; and Wausau Paper Mills Co., of Brokaw, WI, and (2) *pulp paper and related products, waste or scrap materials not identified by industry producing*, between points in the U.S. (except AK and HI), under continuing contract(s) with Owens-Illinois, Inc., of Tomahawk, WI.

MC 152178 (Sub-1), filed April 29, 1983. Applicant: LEVY T. POWELL, d.b.a. POWELL'S DELIVERY SERVICE, P.O. Box 11374, Houston, TX 77293. Representative: Levy T. Powell (same address as applicant) (713) 633-7374. Transporting *metal articles*, between points in AR, CA, CO, GA, KS, LA, MN, MS, MT, NM, NV, ND, OK, SD, TX, VT, and WY.

MC 154268 (Sub-1), filed May 9, 1983. Applicant: RONNIE G. LAWRENCE, d.b.a. RON'S TRANSPORT, 516 Beard Ave., Modesto, CA 95354. Representative: Arden Riess, P.O. Box 7965, Stockton, CA 95207 (209) 957-6128. Transporting (1) *food and related products*, (2) *lumber and wood products*,

(3) pulp, paper and related products, (4) rubber and plastic products, (5) metal products, and (6) waste or scrap materials not identified by industry producing, between points in AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY, and (7) food and related products, between points in CA.

MC 157608 (Sub-2), filed May 10, 1983. Applicant: DANIEL W. LANG, d.b.a., DANDY INTERMODAL SERVICE, 11444 Perry Hwy., Wexford, PA 15090. Representative: David W. Donley, 610 Smithfield St., Suite 400, Pittsburgh, PA 15222, 412-471-6272. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI).

MC 164689 (Sub-1), filed May 10, 1983. Applicant: O. M. SCOTT & SONS COMPANY, 14111 Scottslawn Rd., Marysville, OH 43041. Representative: Linda F. McHenry (same address as applicant), 513-644-0011. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in OH, on the one hand, and, on the other, points in the U.S. (except AK and HI), under continuing contract(s) with Central Ohio Coordinated Corp., of Columbus, OH.

#### Volume No. OP5-252

Decided: May 20, 1983.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 136348 (Sub-8), filed May 6, 1983. Applicant: ANTHONY G. FRANCIS AND JOSEPH G. FRANCIS d.b.a., FRANCIS WHOLESALE COMPANY, 3048 White Horse Road, Greenville, SC 29611. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, 313-349-3980. 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 142359 (Sub-13), filed May 13, 1983. Applicant: PORT EAST TRANSFER, INC., Pulaski Hwy & 68th St., P.O. Box 18492, Baltimore, MD 21237-0492. Representative: Mel P. Booker, Jr., 9900 Main St., Suite 400, Fairfax, VA 22031, 703-691-4000. 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 158609 (Sub-1), filed May 9, 1983. Applicant: OLD SOUTH TRANSPORTATION CO., INC., P.O. Box 461, Prattville, AL 36067. Representative: Donald B. Sweeney, Jr.,

1010 Massey Bldg., P.O. Box 2366, Birmingham, AL 35201, 205-254-3880. Transporting *food and related products*, between points in the U.S. (except AK and HI).

MC 160789 (Sub-5), filed May 9, 1983. Applicant: RAM EXPRESS COMPANY, 237 Noblestown Rd., Carnegie, PA 15106. Representative: Kevin W. Walsh, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222, 412-471-3300. Transporting *general commodities* (except classes A and B express, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with National Steel Corporation of Pittsburgh, PA, and its subsidiaries.

MC 163778 (Sub-2), filed May 9, 1983. Applicant: J. H. TRANSPORT, INC., 105 Lakeside Dr., Stanton, MI 48888. Representative: William B. Elmer, P.O. Box 801, Traverse City, MI 49685-0801, 616-941-5313. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167489, filed May 12, 1983. Applicant: J. WALLACE, INC., 439 Montrose, Romeoville, IL 60441. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, 515-244-2329. Transporting *food and related products*, between Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167988, filed May 12, 1983. Applicant: WILLIAM N. AND MARIAN D. CARTER, d.b.a., SORRENTO ENTERPRISES, 9055 SW Sorrento, Beaverton, OR 97005. Representative: William N. Carter (same address as applicant) 503-644-6913. Transporting (1) *building materials*, (2) *lumber and wood products*, (3) *metal products*, and (4) *waste or scrap materials*, between points in AK, AZ, CA, CO, ID, MT, NV, NM, OR, TX, UT, WA and WY.

#### Volume No. OP5-254

Decided: May 23, 1983.

By the Commission, Review Board No. 1. Members Parker, Chandler, and Fortier.

MC 102298 (Sub-22), filed May 9, 1983. Applicant: MOHAWK VAN LINES, INC., 251-57 Jericho Turnpike, Bellerose, NY 11426. Representative: John L. Alfano, 550 Mamaroneck Ave., Harrison, NY 10528, (914) 835-4411. Transporting *household goods, and furniture and fixtures*, between points in the U.S. (except OR, AK, and HI).

MC 107478 (Sub-95), filed May 16, 1983. Applicant: OLD DOMINION

FREIGHT LINE, INC., 1730 Westchester Dr., High Point, NC 27261. Representative: Kim D. Mann, Suite 1301, 1600 Wilson Blvd., Arlington, VA 22209, 703-522-0900. 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 129059 (Sub-4), filed May 12, 1983. Applicant: WILSON DRIVEAWAY, INC., 55 W. Monroe St., Suite 3370, Chicago, IL 60603. Representative: Anthony E. Young, Ltd., 29 So. LaSalle St., Suite 350, Chicago, IL 60603, (312) 782-8880. Transporting *motor vehicles, baggage, sporting equipment, and personal effects* of owners thereof, between points in the U.S. (except AK).

MC 141599 (Sub-13), filed May 13, 1983. Applicant: MOUNTAIN PACIFIC TRANSPORT, d.b.a. SHADOW LINES, 241 Schoolhouse Rd., Coquitlam, B.C., Canada V3K 4X9. Representative: George R. LaBisnoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, 206-228-3807. Transporting (1), *talcs*, between Three Forks, MT, on the one hand, and, on the other, points in the U.S., (2) *chemicals and related products*, between points in WA, OR, and CA, on the one hand, and, on the other, points in SD, AL, KY, OH, IL, IN, WA, OR and CA, (3) *metal products*, between points in WA, on the one hand, and, on the other, points in WA, OR, CA, ID, MT, UT, NV, CO, AZ, NM, TX, OK, KS, NE and SD, (4) *mercator commodities, contractors machinery equipment and supplies*, between points in WA, OR, CA, ID, MT, UT, NV, CO, AZ, NM, TX, OK, KS, NE, ND, and SD.

MC 142779 (Sub-5), filed May 3, 1983. Applicant: WEIER TRUCKING AND AIR FRIEGHT, INC., 4948 S. Second St., Milwaukee, WI 53207. Representative: Roland W. Weier (same address as applicant) 414-744-1480. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. in and east of ND, SD, NE, OK, and TX.

MC 148218 (Sub-3), filed May 12, 1983. Applicant: STRUCTURAL TRANSPORT, INC., 6701 W. Ryan Rd., Franklin, WI 53132. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273-7410. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 153348 (Sub-2), filed May 9, 1983. Applicant: HAROLD J. FUNK, d.b.a.

FUNK TRANSPORT, 405 South Polk St., Lancaster, WI 53813. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *petroleum and related products*, between points in IA, on the one hand, and, on the other, points in WI.

MC 167979, filed May 10, 1983. Applicant: DOUGLAS A. DERRYBERRY, d.b.a. DOUBLE A TRUCKING, 2587 Bronco Ct., West Linn, OR 97068. Representative: M. M. Butler, 25200 S.W. Parkway, Suite 200, Wilsonville, OR 97070, (503) 682-2437. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in the U.S. (except AK and HI), under continuing contract(s) with Superior Transportation Systems, Inc., of Wilsonville, OR.

MC 167999, filed May 13, 1983. Applicant: B&M STAGE COACH CO., INC., P.O. Box 6034, Greensboro, NC 27405. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687, (803) 244-9314. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NC, or the one hand, and, on the other, points in the U.S. (except AK and HI).

#### Volume No. OP5-256

Decided: May 24, 1983.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 419 (Sub-2), filed May 13, 1983. Applicant: DELCHER INTERCONTINENTAL MOVING SERVICE, INC., 4219 Central Ave., St. Petersburg, FL 33733-0880. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833-8884. As a *freight forwarder* in connection with the transportation of *general commodities* (except used household goods, unaccompanied baggage, used automobiles, commodities in bulk, and classes A and B explosives), between points in the U.S.

MC 41098 (Sub-109), filed May 12, 1983. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 92803. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833-8884. Transporting *household goods*, between points in the U.S., under continuing contract(s) with J. R. Simplot Co., of Boise, ID, and its subsidiaries.

MC 72069 (Sub-48), filed May 16, 1983. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW,

Washington, DC 20005 (202) 296-3555. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between those points in the U.S. in and east of MN, IA, MO, AR, and TX.

MC 116858 (Sub-24), filed May 16, 1983. Applicant: J & M CARRIERS CORP., No. Shore Atrium, Suite 118 West, 6800 Jericho Turnpike, Syosset, NY 11791. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, 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).

MC 145138 (Sub-2(A)), filed May 13, 1983. Applicant: GOLDEN VALLEY TRANSPORTATION INC., P.O. Box 130, Roberts, ID 83444. Representative: Todd Ross Clement (same address as applicant) (208) 524-3331. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except HI).

Note.—Applicant seeks additional authority in MC 145138 Sub 2(B) published in this same issue.

MC 153898 (Sub-2), filed May 13, 1983. Applicant: H & B TRUCKING, INC., P.O. Box 25723, Salt Lake City, UT 84125. Representative: Irene Warr, 311 S. State St., Suite 280, Salt Lake City, UT 84111, 801-531-1300. Transporting (1) *pulp, paper and related products*, (2) *printed matter*, (3) *chemicals and related products*, (4) *machinery*, and (5) *instruments and photographic goods*, between points in CA, UT, TX and WI, on the one hand, and, on the other, points in CA, OR, WA, ID, CO, MO, MN, NE, OK and AZ.

MC 158789 (Sub-1), filed May 12, 1983. Applicant: JON-MAR TRUCKING CO., INC., 13 Koosman Drive, Leonardo, NJ 07737. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *fishing nets, machinery, transportation equipment, metal products, rubber products, and those commodities which, because of their size or weight, require the use of special handling or equipment*, between Philadelphia, PA, New York, NY, and points in Berks County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159659 (Sub-4), filed May 13, 1983. Applicant: J WAY STERILE SERVICE, INC., 639 Ramsey Ave., Hillside, NJ 07205. Representative: A. David Millner, P.O. Box Y, 7 Becker Farm Rd., Roseland, NJ 07068, 201-992-2200. 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 Nu-Tex Corporation, of Dunnellen, NJ.

MC 161628 (Sub-1), filed May 13, 1983. Applicant: RAM OFFICE TRANSPORT CORP., R.D. 3, Box 224, Delta, PA 17314. Representative: Harry M. Ness, 46 E. Philadelphia St., York, PA 17401-1197, (717) 845-7695. Transporting *mobile office trailers and modular buildings*, between points in Baltimore County, MD, on the one hand, and, on the other, points in ME, VT, NH, RI, MA, CT, NY, PA, NJ, DE, MD, VA, WV, NC, SC, and DC.

MC 167568, filed May 13, 1983. Applicant: KENICHI HARAMOTO, d.b.a., FUJI EXPRESS, 328 Swift Ave., South San Francisco, CA 94080. Representative: Kenichi Haramoto (same address as applicant), 415-761-1280. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA.

MC 168059, filed May 16, 1983. Applicant: HARVEY INDUSTRIES, INC., P.O. Box 2096, Athens, TX 75751. Representative: Mike Cotton, P.O. Box 1148, Austin, TX 78767, 512-472-8800. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in TX, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168099, filed May 16, 1983. Applicant: TRANSPORT PARTNERS, INC., 5691 W. 3640 So., W Valley, UT 84120. Representative: Richard McDougal (same address as applicant) 801-969-9737. Transporting (1) *electronic surplus*, between points in Los Angeles County, CA, on the one hand, and, on the other, points in AZ, NM, and TX, (2) *such commodities as are dealt in or used by department, discount and grocery stores*, between points in the U.S. (except AK, HI, FL, ME, MI, ND, NH, SD and VT), and (3) *mercer commodities and machinery* between points in NV and UT, on the one hand, and, on the other, points in LA, OK, TX and WY.

[FR Doc. 83-14713 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

The following restriction removal applications, are governed by 49 CFR Part 1165. Part 1165 was published in the

Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed. Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

#### Finding

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.

#### Volume No. OPI-199

Decided: May 25, 1983.

MC 136540 (Sub-7)X, filed May 13, 1983. Applicant: REFINERS TRANSPORT SERVICE, INC., P.O. Box 742, Metairie LA 70004. Representative: Gerald J. Klumpp (same address as applicant), (504) 733-2585. Lead and Sub-Nos. 1, 2, 3 and 4: broaden the territorial description to "between points in the U.S.", under continuing contract(s) with named shipper.

For status: call Team 5 at 202-275-7289.

#### Volume No. OP5-248

Decided: May 20, 1983.

MC 123329 (Sub-62)X, filed January 19, 1983. Applicant: H. M. TRIMBLE & SONS LTD., 737 8th Ave., S.W., Calgary, Alberta, Canada T2P 2P9. Representative: Edward J. Kiley, 1730 M St., NW, Washington, DC 20036, (202) 296-2900. Sub 11 Certificate: Broaden commodities in bulk to "Farm products, forest products, marine products, food and related products, metallic ores, coal and coal products, petroleum, natural

gas, and petroleum products, non-metallic minerals, tobacco products, textile mill products, lumber and wood products, pulp, paper or allied products, chemicals and related products, rubber and plastic products, clay, concrete, glass and stone products, metal products, and Mercer commodities."

[FR Doc. 83-14708 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-01-M

#### [Volume No. OP-5-249]

#### Motor Carriers; Permanent Authority Decisions; Decision-Notice

Decided: May 20, 1983.

#### 90-Day Intrastate Motor Common Carriers of Passengers.

The following applications, filed on or after November 19, 1982, are governed by Part 1168 of the Commission's Rules of Practice. See 49 CFR Part 1168, published in the Federal Register on November 24, 1982, at 47 FR 53275. For compliance procedures, see 49 CFR 1168.6 and 49 U.S.C. 10922 (c)(2)(E).

Persons wishing to oppose an application must follow the rules under 49 CFR Part 1168. In addition to fitness grounds, applications may be opposed on the grounds that the transportation to be authorized would directly compete with a commuter bus operation and would have a significant adverse effect on all commuter bus service in the area in which the competing service will be performed. Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

#### Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither major Federal action significantly affecting the quality of the human environment nor a major

regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 25 days from date of publication (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 30 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 3, Members Krock, Joyce and Dowell.

Agatha L. Mergenovich,  
Secretary.

Note.—All applications are filed under 49 U.S.C. 10922(c)(2)(A) for authority to operate as a motor common carrier of passengers in intrastate commerce on a route over which applicant has interstate, regular-route authority on November 19, 1982.

Please direct status inquiries to Team 5, (202) 275-7289.

MC 123748 (Sub-32), filed May 5, 1983. Applicant: CONNECTICUT LIMOUSINE SERVICE, INC., 1060 State Street, New Haven, CT 06511. Representative: Palmer S. McGee, Jr., One Constitution Plaza, Hartford, CT 06103, (203) 278-1330. Applicant seeks authority in intrastate commerce to conduct service at all intermediate points on routes in No. M-123748 Sub 28, in part, as follows: To operate over the routes (1) between Farmington, CT and LaGuardia Airport and John F. Kennedy International Airport, New York, NY, and (2) between Wethersfield, CT, and LaGuardia Airport and John F. Kennedy International Airport, New York, NY, to provide intrastate service at all intermediate points between the Connecticut-New York border and LaGuardia Airport and John F. Kennedy International Airport, New York, NY.

[FR Doc. 83-14711 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. OP1-198]

**Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification**

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the *Federal Register*.

An original and one copy of petitions for intervention must be filed with the Commission within 30 days after the date of this *Federal Register* Notice. Applicant may file a verified statement in rebuttal within 50 days. Such pleadings shall comply with 49 CFR 1160.1-1160.49 addressing specifically the issue(s) indicated as the purpose for this republication.

Agatha L. Mergenovich,  
Secretary.

Please direct status inquiries to Team 1, (202) 275-7992.

MC 164651 (republication), filed December 6, 1982, previously noticed in the *Federal Register* issue of December 20, 1982. Applicant: WALTER MOSLEY, Jr., d.b.a. MOSLEY'S MOBILE HOME MOVERS, 920 N. Arizona Ave., Chandler, AZ 85224. Representative: Jack L. Schiller, 111-56 76th Dr., Forest Hills, NY 11375. A decision by the Commission, Review Board Number 1, decided May 23, 1983, and served May 26, 1983, find that applicant is authorized to operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *mobile homes and such commodities* as are dealt in or used in the manufacture, distribution, and installation of mobile homes, between points in AZ, CA, CO, NM, NV, TX, and UT. The purpose of this republication is to broaden the commodity description.

[FR Doc. 83-14709 Filed 6-1-83; 8:55 am]

BILLING CODE 7035-01-M

[Volume No. OP5-247]

**Motor Carriers; Permanent Authority; Republications of Grants of Operating Rights Authority Prior to Certification**

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the *Federal Register*.

An original and one copy of petition for leave to intervene must be filed with the Commission within 30 days after the date of this *Federal Register* notice addressing specifically the issue(s)

indicated as the purpose for republication.

Agatha L. Mergenovich,  
Secretary.

MC 113658 (Sub-50), (republication), filed March 7, 1983, published in the *Federal Register* issue of March 1983, and republished, this issue. Applicant: SCOTT TRUCK LINE, INC., P.O. Box 16346, 5280 Newport Street, Commerce City, CO 80022. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Avenue, NW., Washington, D.C. 20036; 202-223-5900. An Order of the Commission, Division 2, decided April 19, 1983, and served April 25, 1983, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting *general commodities* (except classes A and B explosives), between points in the United States, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

MC 114718 (Sub-3) (republication), filed November 12, 1982, published in the *Federal Register* issue of and republished this issue. Applicant: GEORGE R. MURPHY, d.b.a., MURPHY TRUCKING & EXCAVATING CO., P.O. Box 378, Reno, OH 45773. Representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215, 614-228-1541. An Order of the Commission, Division 1, decided April 12, 1982, and served April 18, 1982, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, transporting (1) *Food and related products* between Uniontown, Pittsburgh and Sharon, PA, on the one hand and, on the other, points in Ohio (eliminate Marietta, OH gateway); (2) *Metal products* between points in Fayette, Washington, Greene and Westmoreland Counties, PA, on the one hand, and, on the other, points in Ohio (eliminate Marietta, OH gateway); (3) *General commodities* (except those of unusual value, Classes A and B explosives, household goods and those requiring special equipment) between points in Wood and Pleasants Counties, WV, on the one hand, and, on the other, points in Ohio (eliminate Marietta, OH gateway); (4) *Machinery, metal products, rubber and plastic products,*

*chemicals and related products, and lumber and wood products*, between points in that part of West Virginia on and west of US Hwy 19 and on and north of US Hwy 60, on the one hand, and, on the other, points in Ohio (eliminate Marietta, OH gateway); (5) *Farm products*, between Pittsburgh, PA, on the one hand, and, on the other, points in Ohio (eliminate Marietta, OH gateway); (6) *Chemicals and related products* between points in Ohio, on the one hand, and, on the other, points in Illinois, Missouri, North Carolina, Pennsylvania and West Virginia (eliminate Marietta, OH gateway); (7) *Metal products, coal and coal products, ores and minerals, clay, concrete, glass of stone products, and waste or scrap materials* between points in Ohio, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas, and Louisiana (eliminate Marietta, OH gateway); (8) *Metal products*, (A) between points in Fayette, Washington, Greene and Westmoreland Counties, PA, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas and Louisiana (eliminate Marietta, OH and Ashtabula County, OH gateways); (B) Between points in that part of West Virginia on and west of US Hwy 19 and on and north of US Hwy 60, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas, and Louisiana (eliminate Marietta, OH and Ashtabula County, OH gateways); (C) between Baltimore, MD and Newport News, VA on the one hand, and, on the other points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas and Louisiana (eliminate Marietta, OH and Ashtabula County, OH gateways); (9) *Aluminum articles*, between the facilities of Kaiser Aluminum and Chemical Corporation located at or near Ravenswood, WV, on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Kansas, Arkansas, and Louisiana, (eliminate Washington County, OH gateway); (10) *Chemicals and related products*, between points in that part of West Virginia on and west of US Hwy 19 and on and north of US Hwy 60, on the one hand, and, on the other, points in Illinois, Missouri, North Carolina, Pennsylvania, and Wisconsin (eliminate Marietta, OH and Washington County, OH gateways); (11) *Food and related products* between Uniontown, Pittsburgh, and Sharon, PA, on the one hand, and, on the other, points in Wood

and Pleasants Counties, WV (eliminate Marietta, OH and Washington County, OH gateways); (12) *Machinery, rubber and plastic products, chemicals and related products, and lumber and wood products*, between points in that part of West Virginia on and west of US Hwy 19 and on and north of US Hwy 60, on the one hand, and, on the other, points in Wood and Pleasants Counties, WV (eliminate Marietta, OH and Washington County, OH gateways); (13) *Farm products* between Pittsburgh, PA, on the one hand, and, on the other, points in Wood and Pleasants Counties, WV (eliminate Marietta, OH and Washington County, OH gateways), that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate applicant's actual grant of authority.

[FR Doc. 83-14719 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-01-M

#### Motor Carriers; Proposed Exemptions

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of Proposed Exemptions.

**SUMMARY:** The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

**DATES:** Comments must be received within 30 days after the date of publication in the *Federal Register*.

**FOR FURTHER INFORMATION CONTACT:** Warren Wood (202) 275-7977.

**SUPPLEMENTARY INFORMATION:** Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

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

Agatha L. Mergenovich,  
Secretary.

Volume No. OP2-245

Decided: May 26, 1983.

[No. MC-F-15261]

#### Walter G. Bay and Transport Investment Corporation—Continuance in Control Exemption—Tandem Transport Corp.

Transport Investment Corporation (TIC), and in turn its sole shareholder, Walter G. Bay, who controls TIC and its subsidiary corporation—Arrow Transportation Co. (No. MC-116164) as well as St. Louis Freight Lines, Inc. (No. MC-117165) seek an exemption from the requirement under section 11343 of prior regulatory approval to continue in control of Tandem Transport Corp., (No. MC-156133 (Sub-No. 5)).

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: James M. Hodge, Isaacson, Clarke, Vernon, & Hodge, P.C., 3730 Ingersoll Avenue, Des Moines, IA 50312, 515-274-4985.

Comments should refer to No. MC-F-15261.

Volume No. OP2-245

Decided: May 25, 1983.

[No. MC-F-15266]

#### DLM Transportation, Inc.—Purchase Portion—KSS Transportation Corp.

DLM Transportation, Inc. a regulated motor carrier (No. MC-165843), seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of KSS Transportation Corp. in No. MC-145468 (Sub-No. 47).

Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Arlyn L. Westergren, Esq., Westergren, Hauptman & O'Brien P.C., 9202 West Dodge Road, Suite 201, Omaha, NE 68114.

Comments should refer to No. MC-F-15266.

[FR Doc. 83-14707 Filed 6-1-83; 8:45 am]

BILLING CODE 7035-01-M

#### MERIT SYSTEMS PROTECTION BOARD

##### Office of the Special Counsel

##### Schedule for Awarding Senior Executive Service Performance Award (Bonus)

**AGENCY:** Office of the Special Counsel.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the schedule for awarding a Senior Executive Service bonus.

#### FOR FURTHER INFORMATION CONTACT:

William E. Caldwell, Director, Operations Management Division, 1120 Vermont Ave., NW., Washington, D.C. 20419 (202) 653-7144.

**SUPPLEMENTARY INFORMATION:** Office of Personnel Management guidelines require that each agency publish a notice in the *Federal Register* of the agency's schedule for awarding Senior Executive Service bonuses at least 14 days prior to the date on which the awards will be paid.

**SCHEDULE FOR AWARDING SENIOR EXECUTIVE SERVICE BONUS:** The Office of the Special of the Special Counsel intends to award a Senior Executive Service bonus for the performance rating cycle of October 1, 1981, through August 31, 1982, with payout to be made by June 30, 1983.

Dated: Washington, D.C., May 27, 1983.

For the Office of the Special Counsel.

K. William O'Connor,  
Special Counsel.

[FR Doc. 83-14859 Filed 6-1-83; 8:45 am]

BILLING CODE 7400-02-M

#### NATIONAL COMMUNICATIONS SYSTEM

##### National Security Telecommunications Advisory Committee; Closed Meeting

A meeting of the National Security Telecommunications Advisory Committee (NSTAC) Industry Executive Subcommittee will be held beginning at 9:00 p.m. on Wednesday, June 22, 1983. The meeting will be held in the Westgate Building of the MITRE Corporation, 1820 Dolley Madison Boulevard, McLean, Virginia. The agenda is as follows:

- A. Opening Remarks
- B. Briefing on National Coordinating Mechanism Report
- C. Briefing on Commercial Satellite Survivability Report
- D. Status Report on Automated Information Processing Issue
- E. Status Report on Total Systems Survivability Issue
- F. Introduction of International Diplomatic Telecommunications Issue
- G. Formulation of Recommendations to be presented at 2nd HSTAC Meeting

Due to the requirement to discuss classified information in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense. Any person desiring information about the meeting may telephone (Area Code 202-692-9274) or write the Manager of the National Communications System, 8th

Street and South Courthouse Road,  
Arlington, Virginia 22204.

Dated: May 26, 1983.

Joseph C. Wheeler,  
Colonel, USAF, NCS Joint Secretariat.

[FR Doc. 83-14719 Filed 6-1-83; 8:45 am]

BILLING CODE 3610-05-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Museum Advisory Panel (Challenge Section); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Challenge Section) to the National Council on the Arts will be held on June 17, 1983, from 9:00 a.m.-5:30 p.m. in Room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel  
Operations, National Endowment for the Arts.  
May 25, 1983.

[FR Doc. 83-14722 Filed 6-1-83; 8:45 am]

BILLING CODE 7537-01-M

### Visual Arts Advisory Panel (Artists Nominations Section); Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Artists Nominations Section) to the National Council on the Arts will be held on June 29, 1983, from 10:00 a.m.-5:00 p.m. in the Old Post Office Building, 815 Olive Street, St. Louis, MO.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation regarding the

selection of artists to be commissioned to create works of art for Federal buildings under construction or renovation. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682-5433.

John H. Clark,

Director, Office of Council and Panel  
Operations, National Endowment for the Arts.  
May 25, 1983.

[FR Doc. 83-14721 Filed 6-1-83; 8:45 am]

BILLING CODE 7537-01-M

## PENSION BENEFIT GUARANTY CORPORATION

### Exemption From Bond/Escrow Requirement Relating to Sale of Assets by and Employer Who Contributes to a Multiemployer Plan: Reilly-Whiteman, Inc.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Exemption.

**SUMMARY:** The Pension Benefit Guaranty Corporation has granted Reilly-Whiteman, Inc. an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended. A notice of the request for exemption from this requirement was published on March 9, 1983 (48 FR 9978). The effect of this notice is to advise the public of the decision of the exemption request.

**ADDRESS:** The request for an exemption and the PBGC response to the request are available for public inspection at the PBGC Public Affairs Office, Suite 7100, 2020 K Street, NW., Washington, D.C. 20006, between the hours of 9:00 a.m. and 4:00 p.m. A copy of these documents may be obtained by mail from the PBGC Disclosure Officer (160) at the above address.

**FOR FURTHER INFORMATION CONTACT:** James M. Graham, Office of the Executive Director, Policy and Planning (140), 2020 K Street, N.W., Washington, D.C. 20006; (202) 254-4862.

### SUPPLEMENTARY INFORMATION:

#### Background

Section 4204(a)(1) of the Employee Retirement Income Security Act of 1974,

as amended ("ERISA"), 29 U.S.C. 1384, provides that the sale of assets of 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 five plan years after the sale.

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). Under § 2643.3(a) of the PBGC's regulation on procedures for variances for sales of assets (29 CFR Part 2643), the PBGC 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.

The legislative history of section 4204 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.

ERISA section 4204(c) and § 2643.3(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or an exemption in the Federal Register, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

### Decision

On March 9, 1983 (48 FR 9978), the PBGC published a notice of the pendency of a request from Reilly-Whiteman, Inc. ("New Reilly") for an exemption from the bond/escrow requirement of ERISA section 4204(a)(1)(B), in connection with the purchase by New Reilly of substantially all of the assets of Reilly-Whiteman, Inc. (the "Seller"). The sale of assets became effective on June 11, 1982. No comments were received in response to the notice.

New Reilly has agreed to assume the Seller's obligation to contribute to the Oil, Chemical and Atomic Workers International Union Pension Fund (the "Fund"). Prior to the sale, the Seller's potential withdrawal liability had been estimated by the Fund to be \$7,500. The amount of the bond/escrow required under section 4204(a)(1)(B) is approximately \$17,400 (the Seller's required annual contribution for 1981,

the plan year preceding the year in which the sale occurred).

New Reilly is a wholly owned subsidiary of Oakite Products, Inc. ("Oakite"). According to its audited consolidated financial statements, Oakite and its subsidiaries had total net assets for its fiscal year ended December 31, 1981 of approximately \$28 million, and an average net income for its fiscal years 1979-1981 of about \$4.5 million.

Based on the facts of this case and the representations and statements made in connection with the request for exemption, PBGC has determined that an exemption from the bond/escrow requirement is warranted, in that it would more effectively carry out the purposes of Title IV of ERISA and would not significantly increase the risk of financial loss to the plan. Therefore, PBGC hereby grants New Reilly's request for an exemption from the bond/escrow requirement. The granting of an exemption of variance from the bond/escrow requirement of section 4204(a)(1)(B) does not constitute a finding by PBGC that the transaction satisfies the other requirements of section 4204(a)(1). The determination of whether the transaction satisfies such other requirements is a determination to be made by the plan sponsor.

Issued at Washington, D.C., on this 26 day of May, 1983.

Edwin M. Jones,

Executive Director, Pension Benefit Guaranty Corporation.

(PR Doc. 83-14769 Filed 6-1-83; 8:45 am)

BILLING CODE 7708-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 13282; (812-5536)]

### Alliance Tax-Exempt Reserves, Inc.; Filing of Application

Notice is hereby given that Alliance Tax-Exempt Reserves, Inc., 140 Broadway, New York, NY 10005, ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on April 28, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, to amend a previous order of the Commission (the "previous order") exempting Applicant: (1) From the provisions of Section 2(a)(41) and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant (a) to compute its net asset value per share using the amortized cost method of valuation and (b) to value in

the manner described in Applicant's application (the "previous application") standby commitments acquired from broker-dealers or banks, and (2) from the provisions of Section 12(d)(3) of the Act to permit Applicant to acquire standby commitments from broker-dealers. The Commission issued the previous order on February 17, 1983 (Investment Company Act Release No. 13030). The requested order would amend the previous order to the extent necessary to permit Applicant to value on the basis of the amortized cost method, as described in the previous application, participation interests in variable rate demand instruments that are backed by an irrevocable letter of credit or guarantee of a bank. 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 text of Sections 2(a)(41) and 12(d)(3) and Rules 2a-4 and 22c-1.

Within the categories of municipal and taxable securities in which Applicant may invest are variable rate demand instruments. Applicant states that the variable rate demand instruments in which it may invest will be payable on not more than seven days' notice either by the issuer or by drawing on a bank letter of credit or guarantee issued with respect to such instrument either at the time of original issuance of the instrument or at the time Applicant purchased the instrument. Applicant states that the interest rates of the instruments will be adjustable at intervals of up to one year. Each instrument purchased will meet the quality criteria set forth in the previous application for Applicant's portfolio securities. Applicant states that for purposes of determining whether a variable rate demand instrument matures not more than one year from the date of its purchase, the maturity of the instrument will be deemed to be the longer of: (i) The notice period required before Applicant is entitled to payment of the principal amount of the instrument or (ii) the period remaining until the instrument's next interest rate adjustment. In addition, Applicant states that the maturity of a variable rate demand instrument will be determined in the same manner for purposes of computing Applicant's dollar-weighted average portfolio maturity. Applicant's Board of Directors will reevaluate, at least quarterly, any variable rate instruments Applicant holds to determine that such instruments are of high quality. Applicant asserts that in the event that proposed Rule 2a-7 under the Act as adopted requires a different

reevaluation period, Applicant will conform to such period.

In support of the requested relief, Applicant states that it believes that use of the amortized cost valuation method benefits its shareholders by enabling Applicant to maintain a constant net asset value of \$1.00 per share while providing shareholders with the opportunity to receive a relatively steady flow of investment income. Moreover, because Applicant will invest only in high-grade securities with a remaining maturity of one year or less, Applicant states that it believes there will normally be a negligible discrepancy between the market value and the amortized cost value of Applicant's portfolio securities. Accordingly, Applicant asserts that it has determined that the amortized cost method of valuing its portfolio securities, including the participations described above, will reflect the fair value of such securities, absent unusual or extraordinary circumstances, and is appropriate and in the best interests of its shareholders.

Applicant further states that the request for an order set forth herein is made based on the policies and proposed policies of Applicant as set forth in the application and the previous application, and that applicant agrees that any order issued pursuant to this request may be issued subject to the condition that in all other respects the previous application shall remain unchanged.

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 policies and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 20, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the

case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-14788 Filed 6-01-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 13282; (812-5540)]

### The Boston Company Tax-Free Municipal Funds; Filing of Application

May 26, 1983.

Notice is hereby given that The Boston Company Tax-Free Municipal Funds, One Boston Place, Boston, MA 02106 ("Applicant") registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on May 4, 1983, for an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant: (1) From the provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 under the Act to the extent necessary to permit Applicant to value the portfolio securities of its existing and future money market fund series using the amortized cost method of valuation, and (b) to value rights acquired from brokers, dealers, or banks to sell portfolio securities to such persons in the manner described herein and (2) from Section 12(d)(3) of the Act to the extent necessary to permit Applicant to acquire such rights to sell its portfolio securities to brokers or dealers. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable sections and rules.

Applicant states that it was established as a voluntary association known as a business trust under the laws of Massachusetts and has authority to issue shares in separate classes (or "Funds"). Applicant represents that two such Funds, the Tax-Free Money Fund ("Money Fund") and the Massachusetts Tax-Free Money Fund ("Tax-Free Fund"), have been established, and additional series may be established in the future ("Money Market Fund Series"). Applicant

represents that the Money Fund and the Tax-Free are "money market" funds, the investment objective of which is to maximize current income exempt from Federal income taxes to the extent consistent with the preservation of capital and the maintenance of liquidity through investment in a diversified portfolio of municipal obligations having maturities of one year or less at the date of purchase. Applicant further states that the Tax-Free Fund has the additional investment objective of maximization of current income exempt from Massachusetts state personal income taxes. Applicant further represents that a Fund may invest up to 20% of its total assets in taxable securities in limited situation, and may invest more than 20% of its total assets in taxable securities to maintain a defensive posture because of adverse conditions affecting the market for municipal obligations; however, because Applicant's purpose is to provide income exempt from Federal taxes, a Fund will invest in taxable obligations only if and when the Applicant's Board of Trustees believe it would be in the best interests of shareholders to do so.

According to the application, the Funds will invest in a wide variety of municipal obligations, including municipal bonds, municipal notes and municipal commercial paper. Applicant further states that any additional money market fund series it will establish in the future will have as its principal investment objective the maximization of current income exempt from Federal income taxes to the extent consistent with the preservation of capital and the maintenance of liquidity through investment in short term municipal obligations. Applicant represents that both the Money Fund and Tax-Free Fund, and any additional money market fund series to be established by Applicant will be subject to the conditions specified below.

Applicant states that it may invest in floating rate and variable rate obligations, including participation interests therein. Applicant represents that investments in floating or variable rate obligations will normally involve industrial development or revenue bonds which provide that the rate of interest is set as a specific percentage of a designated base rate (such as the prime rate) at a major commercial bank, and that Applicant can demand payment of the obligation on no more than seven days notice at par plus accrued interest. Applicant further states that it may invest in participation interest purchased from banks in variable rate municipal obligations owned by banks provided they are

backed by an irrevocable letter of credit or guarantee of a bank that its Trustees have determined meets Applicant's prescribed quality standards. Applicant states that floating rate and variable rate demand obligations purchased for its money market fund portfolios, including participation interests therein, will satisfy the requirements of, and that it will determine the maturity of such interests in accordance with the procedures set forth in, proposed Rule 2a-7 under the Act (Investment Company Act Release No. 12206, February 1, 1982) or, if the rule should ultimately be adopted, with the procedures set forth in the rule as adopted.

Applicant further states that it may purchase municipal obligations on a "when-issued" basis and, in so doing, will establish a separate account consisting of cash or liquid debt securities equal to the amount of the when-issued commitment. In purchasing securities on a "when-issued" basis, Applicant represents that it will comply in all respects with the views of the Commission's Division of Investment Management as expressed in Investment Company Act Release No. 10666 (April 18, 1979) ("Release No. 10666").

Applicant states that it may also purchase stand-by commitments with respect to the municipal obligations it holds. Under a stand-by commitment (also known as "put"), Applicants state that it proposes to improve portfolio liquidity by issuing same-day settlements on portfolio sales and thus facilitate same-day payment of redemption of proceeds. According to the application, a stand-by commitment may be described as the right of an investment company, when it purchases municipal securities for its portfolio from a broker, dealer or financial institution, to sell the same principal amount of such securities back to the seller, at the investment company's option, at a specified price. Applicant states that it will purchase stand-by commitments solely to facilitate portfolio liquidity and it represents that its acquisition of stand-by commitments will not affect the valuation or assumed maturity of the underlying municipal obligations which would continue to be valued at amortized cost in accordance with the conditions set forth herein.

In addition, Applicant states that it may enter into repurchase agreements, which are taxable securities, with securities dealers or member banks of the Federal Reserve System. Applicant undertakes to comply in all respects with Release No. 10666, and Investment Company Act Release No. 13005

(February 2, 1983) when entering into repurchase agreements with banks and broker-dealers.

Applicant seeks an order of the Commission pursuant to Section 6(c) of the Act exempting it 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 value portfolio securities of its money market fund series at amortized cost and to value stand-by commitments acquired from brokers, dealers or banks in the manner described in the application, and from Section 12(d)(3) of the Act to permit it to acquire such stand-by commitments. Section 6(c) of the Act provides that the Commission may, by order upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act and the rules 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 states that money market funds are attractive investments for a wide range of investors because these funds offer relative stability of principal and a relatively smooth stream of investment income at a currently competitive rate. Applicant believes that for it to be in a position to meet the needs and expectations of potential investors in its money market fund series and to offer its shareholders in such series relative stability of principal and a relatively smooth stream of investment income at currently competitive rates, it must be able to price the portfolios of its money market fund series at amortized cost.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to its investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and its investment objectives, to stabilize its net asset value per share for each money market fund portfolio, 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 Trustees shall be the following:

(a) Review by the Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the 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;<sup>1</sup>

(b) In the event such deviation from the \$1.00 amortized cost price per share exceeds one-half of one percent, a requirement that the Trustees will promptly consider what action, if any, should be initiated; and

(c) Where the Trustees believe the extent of any deviation from the \$1.00 amortized cost price per share for any money market fund series 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 average portfolio maturity in the relevant series; 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 in each of its money market fund series; provided, however, that Applicant will not: (a) Purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity that exceeds 120 days in each money market fund portfolio.<sup>2</sup>

4. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications

<sup>1</sup> To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Trustees 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 for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

<sup>2</sup> Should the disposition of a portfolio instrument result in a dollar-weighted average portfolio maturity in excess of 120 days for any money market fund portfolio, Applicant, in fulfilling this condition, will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity for that portfolio to 120 days or less as soon as reasonably practicable.

thereto) described in condition 1 above. Applicant will also record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of meetings of the Board of Trustees. 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 the portfolio investments in each of its money market fund series, including repurchase agreements, to those United States dollar-denominated instruments that the Trustees determines present minimal credit risks, and that 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 the Board of Trustees.

6. If any action pursuant to Condition 2(c) is taken, Applicant will include in its next quarterly report, as an attachment to Form N-1Q, a statement describing the nature and circumstances of such action.

According to Applicant, stand-by commitments will have the following features: (1) they will be in writing and will be physically held by Applicant's custodian; (2) they may be exercisable by Applicant at any time prior to the maturity of the underlying security; (3) they will be entered into only with dealers, banks and broker-dealers who, in the judgment of the Trustees, present a minimum risk of default; (4) Applicant's right to exercise them will be unconditional and unqualified; (5) although such commitments may not be transferable, municipal obligations purchased subject to such commitments could be sold to a third party at any time, even though the commitment was outstanding; and (6) their exercise price will be: (i) Applicant's acquisition cost of the municipal obligations that are subject to the commitment (excluding any accrued interest that Applicant paid on their acquisition), less any amortized market premium or plus any amortized or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities since the last interest payment date during the period the securities were owned by the Applicant. Applicant asserts that a stand-by commitment will

not obligate it to sell the underlying securities back to the seller, nor entitle the seller to demand the return of the securities or instruments at its option, although a sale of the underlying securities or instruments to a third party by Applicant will terminate applicant's rights under the related stand-by commitment to sell the securities back to the seller. According to the application, Applicant intends to acquire stand-by commitments solely to facilitate portfolio liquidity; does not intend to exercise its rights thereunder for trading purposes; and will not acquire stand-by commitments to promote reciprocal practices, to encourage the sale of its shares, or to obtain research services.

Applicant plans to value the short-term municipal obligations in its money market fund series on an amortized cost basis, and, thus, asserts that the amount payable under a stand-by commitment will be substantially the same as the value assigned by Applicant to the underlying security. Applicant submits there is little risk of the occurrence of an event which would make amortized cost valuation of its money market fund series inappropriate. In such event, however, Applicant represents that the securities would be valued on the basis of available market information and held to maturity. Applicant further represents that any stand-by commitment relating to such securities would be expected to continue to be valued as described above because Applicant expects to refrain from exercising the stand-by commitments to avoid imposing a loss on a dealer and jeopardizing its business relationship with that dealer.

Applicant expects stand-by commitments generally to be available without payment of any direct or indirect consideration. If necessary and appropriate, however, Applicant states that it will pay for stand-by commitments, either separately in cash or by paying a higher price for portfolio securities that are acquired subject to the Commitment. Applicant further represents that as a matter of policy, the total amount paid in either manner for outstanding stand-by commitments held by Applicant will not exceed 1/2 of 1 percent of the value of the total assets of the relevant money market fund series calculated immediately after any stand-by commitment is acquired.

Applicant states that during the term of a stand-by commitment, it will be difficult to evaluate the likelihood of exercise or potential benefit in the event of exercise of a stand-by commitment. For purposes of complying with Condition 3 herein, Applicant represents

that its Trustees will determine that the "fair value" of a stand-by commitment is zero, regardless of whether any direct or indirect consideration was paid for the commitment and when payment is made for a stand-by commitment, that cost will be reflected as unrealized depreciation for the period during which the commitment is held by the Applicant. Applicant further asserts that for purposes of calculating the dollar-weighted average portfolio maturity of the Applicant's money market fund portfolios, stand-by commitments will be valued at zero, and that Applicant will not consider the maturity of a portfolio security shortened or otherwise affected by any stand-by commitment to which the security is subject.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 20, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-14704 Filed 6-1-83; 8:45 am]  
BILLING CODE 8010-01-M

#### Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 25, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f) (B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

CPI Steel Corp.—Common Stock, \$5 Par Value (File No. 7-6668)  
Federal Resources Corp.—Common Stock, \$50 Par Value (File No. 7-6669)

Goldfield Corp. (The)—Common Stock, \$10 Par Value (File No. 7-6670)  
Kirby Exploration Company—Common Stock, \$10 Par Value (File No. 7-6671)  
Sundance Oil Company—Common Stock, \$10 Par Value (File No. 7-6672)  
Verbatim Corp.—Common Stock, No Par Value (File No. 7-6673)  
Chesebrough-Pond's Inc.—Common Stock, \$1 Par Value (File No. 7-6674)  
Metromedia, Inc.—Common Stock, \$1 Par Value (File No. 7-6675)  
Northrop Corp.—Common Stock, No Par Value (File No. 7-6676)  
Ramada Inns Inc.—Common Stock, \$10 Par Value (File No. 7-6677)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 16, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-14702 Filed 6-1-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 13276; (812-5428)]

#### Eaton and Howard Balanced Fund, et al.; Filing of Application for an Order

May 26, 1983.

In the matter of Eaton & Howard Balanced Fund, Eaton & Howard Income Fund, Eaton & Howard Stock Fund, Eaton Vance Growth Fund, Inc., Eaton Vance High Yield Fund, Eaton Vance Income Fund of Boston, Inc., Eaton Vance Investors Fund, Inc., Eaton Vance Municipal Bond Fund, Eaton Vance Special Equities Fund, Inc., Eaton Vance Tax-Managed Trust, Vance, Sanders Income Fund, Inc., Vance, Sanders Special Fund, Inc., and Eaton & Howard Vance Sanders Distributors Inc.

Notice is hereby given that Eaton & Howard Balanced Fund, Eaton & Howard Income Fund, Eaton & Howard

Stock Fund, Eaton Vance Growth Fund, Inc., Eaton Vance High Yield Fund, Eaton Vance Income Fund of Boston, Inc., Eaton Vance Investors Fund, Inc., Eaton Vance Municipal Bond Fund (a California Limited Partnership), Eaton Vance Special Equities Fund, Inc., Eaton Vance Tax-Managed Trust, Vance, Sanders Income Fund, Inc., and Vance, Sanders Special Fund, Inc., open-end management investment companies (the "Funds"), registered under the Investment Company Act of 1940 (the "Act"), and Eaton & Howard, Vance Sanders Distributors Inc. ("Distributor"), the principal underwriter of the shares of the Funds (collectively with the Funds, the "Applicants") filed an application on January 17, 1983, and an amendment thereto on April 1, 1983, for an order pursuant to Section 6(c) of the Act exempting them and any funds which Distributor may offer in the future from the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder to the extent necessary to permit sales without a sales charge of shares of the Funds, and of any funds which may in the future become one of the Funds offered with a sales charge by Distributor, to: (a) Any officer, director, trustee, general partner or employee of any investment company for which Eaton & Howard, Vance Sanders, Inc. ("Adviser") acts as investment adviser, (b) any investment advisory, agency, custodial or trust account managed or administered by Adviser, or by any parent or subsidiary or other affiliate of Adviser, and (c) any officer, director or employee of any parent or subsidiary or other affiliate of Adviser. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and the rules thereunder for the text of the provisions from which Applicants seek to be exempted.

Applicants state that Eaton & Howard, Vance Sanders Inc. ("Adviser"), a Maryland corporation, is the investment adviser of the Funds, and the parent corporation of Distributor, a Massachusetts corporation and the Funds' principal underwriter. Adviser and Distributor serve the Funds pursuant to written advisory and distribution contracts, respectively, with the Funds. The Funds have been and are now currently engaged in the continuous public offering of their shares through Distributor as the principal underwriter at the public offering prices set forth in their respective prospectuses.

Applicants state that the sales force of Distributor is comprised of wholesalers

who call upon broker/dealers to interest them in selling shares of the Funds. The sales charge is designed to compensate the broker/dealer and its individual sales representatives for the effort put forth in making the customer contact, presenting the product, and securing the purchase of shares of one or more of the Funds.

Applicants propose to permit: (a) Any officer, director, trustee, general partner or employee of any investment company for which Adviser acts as investment adviser, (b) any investment advisory, agency, custodial or trust account managed or administered by Adviser, or by any parent or subsidiary or other affiliate of Adviser, and (c) any officer, director, or employee of any parent or subsidiary or other affiliate of Adviser, to purchase shares of the Funds, and of any other registered investment companies which may hereafter be offered with a sales charge by Distributor for initial and subsequent investment, at the net asset value without the imposition of the sales charge otherwise applicable. The terms "officer", "director", "trustee", "general partner" or "employee" shall include any such person's spouse and minor children, and also include retired officers, directors, trustees, general partners and employees and their spouses and minor children. (Collectively, all of the above persons to whom offers and sales without a sales charge are proposed to be made may be referred to herein as "Advisory Offerees".)

Under the current prospectuses of the Funds which are parties to this application shares may be sold at net asset value to directors or trustees of the Fund and to officers, directors, employees of sales representatives of Adviser or the principal underwriter for those Funds, or to any trust, pension, profit sharing or any other benefit plan established for any of such persons, provided that such sales are made for investment purposes and that the shares will not be resold except through repurchase or redemption by or on behalf of the Fund. The term "employees" is defined in those prospectuses to include an employee's spouse and minor children, and retired employees.

Applicants state that among the advisory accounts of Adviser are approximately 400 investment counsel accounts. Applicants assert that many of such accounts are of modest size, resulting in difficulties in providing adequate portfolio diversification and in relatively high management costs in relation to the size of the account.

Applicants assert that investment companies such as the Funds would provide a very suitable alternative investment medium for such accounts, and that the flexibility of investment in the Funds, the detailed recordkeeping provided the investor, and other factors also make the Funds appropriate investment vehicles for larger accounts as well.

Applicants further state that among the subsidiaries and affiliates of Adviser is Investors Bank & Trust Company ("IB&T"), which is approximately 77% owned by Adviser. Of the Funds which are parties to the application, it acts as custodian for Eaton & Howard Income Fund, Eaton & Howard Stock Fund and Eaton Vance Special Equities Fund, Inc. It is contemplated that IB&T may be considered for engagement as custodian for the other Funds which are parties to the application. Applicants assert that as a result of the custodian relationship, and of the familiarity of the trust department of IB&T with the investment process at Adviser and with the outflow of investment information from Adviser, there is an understanding and knowledge of these mutual funds which is widespread among the officers, directors and employees of IB&T.

Applicants further assert that the ordinary selling expense which is incurred (i) by Distributor directly in calling upon broker/dealers and otherwise helping such firms to seek out and personally contact prospective investors and (ii) by such broker/dealers will not be incurred with respect to any of the types of sales covered by the application. Administrative and processing costs are expected to be minimal.

Applicants submit that the sales of shares of the Funds at net asset value to Advisory Offerees may conflict with the provisions of Section 22(d) of the Act and Rule 22d-1 thereunder. Nevertheless, Applicants assert that investment by Advisory Offerees in shares of the Funds at net asset value pursuant to a uniform offer described in the prospectuses of the Funds would not be inconsistent with the purpose underlying Section 22(d) of the Act.

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 provisions of the Act or any rule under the Act if and to the extent 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.

Applicants represent that the proposed sales to Advisory Offerees would result in substantial economies in sales effort and sales-related expenses as compared with other sales in the normal channels of distribution. Advisory Offerees who are officers, directors or employees of IB&T or other subsidiary or affiliate of Adviser (and, or course, those who are officers, directors, trustees, general partners or employees of registered investment companies), and Advisory Offerees who are investment advisory accounts of Adviser or a parent or subsidiary or other affiliate thereof, have or should have a basic understanding of the nature of an investment in an investment company as well as general familiarity with the Funds. Applicants submit that the common tie through Adviser and affiliated companies is the basis for a unique relationship of the Advisory Offerees to the Funds and that substantial equities exist in favor of selling to such Offerees without a sales charge since the customary selling expense would not be incurred by the Funds or the principal underwriter in connection with these sales.

Applicants assert that no individual or in-person group sales solicitations or presentations concerning the Funds will be made. Advisory Offerees who are employees of IB&T or other subsidiary or affiliate of Adviser ("Affiliated Employees") will at least annually receive a notice at their employer's expense concerning the availability of shares of the Funds at their net asset value. Applicants represent that this notice will describe the Funds and their investment objectives, indicate that investments would be at net asset value and detail the methods by which investments could be made. The notice will also indicate where additional information concerning the Funds can be obtained. A copy of the appropriate prospectus/es would be furnished prior to the time any Affiliated Employees would make an initial investment in a Fund. Applicants state further that each prospectus would contain appropriate disclosure concerning the ability of Affiliated Employees to make an investment in a Fund without a sales charge.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than June 20, 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 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. 83-14786 Filed 6-1-83; 8:45 am]  
BILLING CODE 8010-01-M

[Release No. 13278; (812-5342)]

#### Investors Mutual, Inc., et al.; Filing of An Application for an Order

May 26, 1983.

In the matter of Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., IDS New Dimensions Fund, Inc., IDS Progressive Fund, Inc., IDS Growth Fund, Inc., IDS Bond Fund, Inc., IDS Cash Management Fund, Inc., IDS Tax-Exempt Bond Fund, Inc., IDS High Yield Tax-Exempt Fund, Inc., IDS Tax-Free Money Fund, Inc., IDS Discovery Fund, Inc., IDS Government Securities Money Fund, Inc., 1000 Roanoke Building, Minneapolis, MN 55402, and Investors Diversified Services, Inc., IDS Tower, Minneapolis, MN 55402.

Notice is hereby given that Investors Mutual, Inc., Investors Stock Fund, Inc., Investors Selective Fund, Inc., Investors Variable Payment Fund, Inc., IDS New Dimensions Fund, Inc., IDS Progressive Fund, Inc., IDS Growth Fund, Inc., IDS Bond Fund, Inc., IDS Cash Management Fund, Inc., IDS Tax-Exempt Bond Fund, Inc., IDS High Yield Tax-Exempt Fund, Inc., IDS Tax-Free Money Fund, Inc., IDS Discovery Fund, Inc., and IDS Government Securities Money Fund, Inc. ("Funds," or "IDS Group"), each of which is registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and Investors Diversified Services, Inc. ("IDS"), the Funds' investment manager and principal underwriter (collectively with the Funds, "Applicants"), filed an application on October 14, 1982, and amendments thereto on December 23,

1982, and April 7, 1983, for an order pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder to permit Applicants to enter into and implement a proposed joint arrangement for allocating distribution expenses among the Funds, and pursuant to Section 6(c) of the Act exempting Applicants from Sections 22 (b), (c) and (d) of the Act and Rules 2a-4, 17d-1(a) and 22c-1 under the Act in connection with the proposed joint arrangement. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below, and to the Act and the rules thereunder for the text of the applicable sections and rules.

Applicants state that shares of the Funds are continuously offered for sale to the public through the IDS sales force, which consists of approximately 3,900 field sales representatives who are supervised through 160 divisional sales offices located in 49 states which, in turn, are supervised by 10 regional IDS sales vice presidents. Each Fund has identical executive officers, and a board of directors comprised of persons who also serve as directors of other Funds in the IDS Group. Applicants further represent that all except two directors of the Funds are persons not affiliated with IDS and were selected without consultation with persons affiliated with IDS.

Applicants believe that the availability of the IDS field sales force, to provide personal contacts for prospective investors in the Funds through a "two call" interview process, makes the IDS Group virtually unique in the investment company industry. According to the application, IDS field sales representatives are trained to meet at least twice with prospective investors for one to two hours; to develop a case analysis of the investor's needs and objectives; and to implement a proposed financial plan designed to achieve those goals through purchases of investment products offered by IDS. Thereafter, personal contacts between IDS representatives and individual shareholders of the Funds vary, with at least an annual and, in many cases, a semi-annual update and review. In addition to direct personal contacts, frequent telephone contacts may be made by either the shareholder or the IDS representative. For providing such services, IDS field sales representatives receive commissions which range from \$42 per thousand of sales for sales of less than \$15,000 of IDS New Dimensions Fund, IDS Progressive Fund, IDS Growth Fund, IDS Discovery Fund,

Investors Mutual, Investors Stock Fund and Investors Variable Payment Fund (each of which is sold at an 8% load), to \$38 per thousand of sales for sales of less than \$15,000 of Investors Selective Fund (sales load 7%), to \$24 per thousand of sales for sales of less than \$25,000 of IDS Tax-Exempt Bond Fund (sales load 3½%). Applicants state that IDS representatives who sell shares of IDS Cash Management Fund, Inc., IDS Tax-Free Money Fund, Inc., and IDS Government Securities Money Fund, Inc. ("IDS Money Funds"), which are sold without a sales load, receive no commission or fees in respect of such sales.

Applicants represent that IDS' distribution efforts for the Funds are currently financed in part by the sales loads paid to IDS by purchasers of the Funds and in part (in full in the case of the IDS Money Funds) by IDS' other operations. Applicants assert that, due to increasing expenses incurred by IDS in distributing the Funds' shares, IDS experienced distribution losses of over \$11 million in 1981 and over \$12 million in 1982. In view of its increasing distribution losses, IDS has represented to the Funds that, in the absence of additional financial support, IDS is uncertain of its ability to maintain and to continue improving the level of shareholder services provided by the IDS sales force. Applicants represent that the board of directors of each Fund has determined that it is in the best interest of the respective Funds and their shareholders to allocate distribution expenses among the Funds by entering into, and implementing, substantially identical written plans of distribution ("Distribution Plans") pursuant to Section 12(b) of the Act and Rule 12b-1 thereunder. Applicants further represent that the shareholders of each Fund approved their proposed distribution plan at their respective annual meetings held on July 7, 1982. Applicants state that the proposed distribution plans are separate and the execution and implementation of a plan by one Fund is not contingent upon the execution and implementation of such a plan by any other Fund in the IDS Group.

Applicants further state that the proposed distribution plans would modify the existing distribution agreements between each Fund and IDS, but would not affect the manner in which the Funds' shares are currently sold. Under the terms of the proposed distribution plans, each Fund would separately contract with IDS to pay IDS a charge assessed against the assets of that Fund to help defray IDS' expenses

incurred in connection with the distribution of shares of the Funds, the maintenance and improvement of a field sales force available to provide services to shareholders, and the development of new products and markets. This compensation received by IDS, under the proposed distribution plans, would be in addition to any sales loads earned by IDS on sales of Funds' shares. The plans further provide that the distribution charge would be accrued on a daily basis by multiplying the number of a Fund's shareholder accounts existing as of the close of business of the preceding day by six dollars (\$6.00) and by dividing that product by 365 (366 in a leap year). The amount so accrued by each Fund would be paid monthly to IDS from the Fund's assets to the extent that the Fund's total expenses, including compensation received by IDS for investment management and distribution services, in that month did not exceed one percent (.75% for the IDS Money Funds) of the Fund's average daily net assets for the Fund's fiscal year then in progress. The portion of this monthly distribution charge exceeding such percentage of the Fund's average net assets would not be paid to IDS in that month but would be carried over by IDS to subsequent months, but in no event beyond the end of the Fund's fiscal year then in progress.

IDS presently proposes to promote sales of the Funds to institutional investors under a separate sales load structure, consistent with Rule 22d-1(f) under the Act, which would eliminate the payment of a sales load by an institutional investor on purchases of \$250,000 or more. IDS has represented to the Funds that the distribution expenses and sales efforts attributable to sales of the Funds to institutional investors would not be borne by shareholders of the Funds; would not be used by IDS to justify any future charges to the Funds; and would not reduce IDS's financial commitment to the maintenance and improvement of shareholder field services.

As set forth in the application, implementation of the proposed distribution plans will have the effect of increasing each Fund's expense ratio. However, Applicants submit that in the judgment of each Fund's board of directors the potential benefits to the Fund and its shareholders justify the projected increase in each Fund's expense ratio. The major benefit of the proposed distribution plans is expected to be the maintenance and improvement of the ongoing shareholder services provided by the IDS field sales force which is viewed by each Fund's board

as of significant value to existing Fund shareholders. Applicants expect that the plans will promote the direct personal contact that presently exists between Fund shareholders and the IDS sales representative (as the primary source of information for shareholders concerning the Funds and the shareholders' investment programs). To improve further the services provided by the IDS sales representative, the plans intend to facilitate the integration of these personal contact with current telecommunications and data processing technology.

Rule 17d-1, adopted by the Commission pursuant to Section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company, and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or modification thereof to securityholders for approval. In passing upon such application the Commission will consider whether the participation of the registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Rule 17d-1(c) under the Act defines the term "joint enterprise or other joint arrangement" to mean, in pertinent part, any written contract or arrangement whereby a registered investment company and any affiliated person of such a person have a joint and several participation.

IDS is an affiliated person of each of the Funds by virtue of serving as their investment manager. In addition, the Funds may be deemed to be affiliated persons of each other by virtue of sharing common directors and a common investment manager, which may place them under common control. While not conceding that the Funds are affiliated persons of each other, or that the exemption provided by Rule 17d-3 under the Act is unavailable, Applicants nevertheless have determined that it would be prudent to request that the Commission issue an order, pursuant to Section 17(d) and Rule 17d-1 thereunder, permitting Applicants to enter into, and

implement, their proposed distribution plans.

Applicants represent that the board of each Fund has considered their proposed distribution plan, the costs involved, and the surrounding circumstances, and concluded that there was a reasonable likelihood that such a plan would benefit the Fund and its shareholders. In this regard, Applicants assert that, because the services of the IDS field sales representatives are equally available to the shareholders of each Fund, and in view of the difficulty of specifically identifying distribution expenses to a particular Fund, the board determined that it was fair and appropriate for each Fund to help defray a portion of IDS's costs in providing such services on the basis of its number of shareholder accounts. Applicants further represent that each Fund's board determined that any economic disparity among the Funds from implementation of the proposed distribution plans would be sufficiently offset by the intangible benefits which are expected to accrue to each Fund. While admitting the difficulty in arriving at a numerical figure on the purely intangible benefits (e.g., enhanced shareholder services) that are expected upon implementation of the proposed distribution plans, nevertheless, Applicants assert that the determination by each Fund's board that such intangible benefits sufficiently offset any economic disparity under the plans was a proper exercise of the reasonable business judgment of those boards. Applicants further argue that in considering issues involving inherently difficult business and policy questions, the resolution of which cannot be reduced to mathematical certainty, the independent, informed judgment of the directors of the Funds is entitled to deference. Applicants submit that the basis of each Fund's participation in its proposed joint distribution plans, which has been approved by the board of each Fund in accordance with the requirements of Rule 12b-1 (particularly, in light of the independence of the members of those boards, the extensive consideration they have given to this subject and their determination as to the respective costs and benefits which can be expected to inure to each Fund and its shareholder from implementation of that plan) falls within a reasonable range of fairness and, therefore, that their requested order pursuant to Rule 17d-1 should be granted.

Applicants represent that the order they request will not relieve the Funds' directors of their continuing duty to monitor and review the effects of implementation of the proposed

distribution plans as required by Rule 12b-1 under the Act. In this regard, Applicants assert that each proposed distribution plan provides for at least a quarterly board review of reports submitted by IDS of all expenditures for distribution purposes. Such reports will also include data for review and analysis by the Funds' boards as to the distribution charges paid by the Funds, sales of shares of the Funds, expense ratios of the Funds and other relevant statistical data, as well as information concerning IDS's marketing plans and strategy and developments affecting shareholder services in the field. In addition to the other data and information to be included in such reports, IDS will include information with respect to the field services available to the shareholders of the Funds and the actual utilization of such services by each Fund's shareholders. Applicants have specifically represented that the directors' periodic review of each Fund's distribution plan will include an analysis of this information.

Applicants state that each plan will be subject to termination at any time by a vote of a majority of the members of a Fund's board of directors who are not interested persons of the Fund and who have no direct or indirect financial interest in the operation of the proposed distribution plan. Moreover, Applicants note that renewal of each proposed distribution plan will require annual approval of the plan by a vote of the board of each Fund and of those directors who are not interested persons of that Fund and who have no direct or indirect financial interest in the operation of the proposed distribution plans. According to Applicants, if the board of directors determines that fairness requires a modification of the basis of a Fund's or group of Funds' participation in the proposed distribution arrangement, such a modification would be proposed, and the Applicants would seek an appropriate amendment of any order granting this application.

Applicants further request retroactive relief under Section 6(c) of the Act to the extent that they may have violated the requirements of Rule 17d-1(a) by submitting a proposed distribution plan to the shareholders of each Fund for their approval prior to the grant of the Commission order sought by Applicants. Applicants represent that this was done in an effort to save, in the aggregate, approximately \$390,000 which would have been the cost of holding special shareholder meetings for the sole purpose of considering the plans, and to secure for the shareholders, as promptly

as possible, the anticipated benefits of the plans. Applicants further argue that the development of the proposed distribution plans and the extensive consideration given to the subject of the Funds' distribution arrangements with IDS by the board of each Fund, precluded the filing of the instant application, and the Commission's action thereon, prior to the Funds' annual meetings in July, 1982.

Since each of the Funds would, under its proposed distribution plan, pay a portion of its net assets to IDS as compensation for the complex's distribution activities, Applicants submit that it might be asserted that such Fund would not be selling or redeeming its shares at a current net asset value calculated in accordance with Section 22(c) of the Act and Rules 2a-4 and 22c-1 thereunder. Applicants are further concerned that it might be asserted that the distribution charges paid by a Fund under its plan represent a "sales load" as defined in the Act which (when added to existing sales loads) could be both excessive under Section 22(b) of the Act, and not specifically identified as such in the Fund's prospectus in violation of Section 22(d) of the Act. Although Applicants assert that they do not believe that these provisions of the Act and the rules thereunder preclude Applicants from entering into and implementing, the proposed distribution plans, they have applied for an order, pursuant to Section 6(c) of the Act, exempting them, to the extent necessary, from those provisions of the Act and the rules thereunder. It should be noted that the Commission has not taken the position that distribution charges paid by an investment company pursuant to a plan adopted in accordance with Rule 12b-1 under the Act, represent a "sales load" subject to regulation under Section 22(b) of the Act, and that granting the requested exemption from Section 22(b) of the Act would not exempt the existing sales loads of the Funds from the provisions of that section.

Section 6(c) of the Act provides, in pertinent part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act 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.

Notice is further given that any interested person wishing to request a

hearing on the application may, not later than June 20, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

By the Commission.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-14765 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22955; (70-6592)]

**Middle South Energy, Inc. et al.;  
Proposed Increase in Authorized  
Amount of Notes To Be Issued and  
Sold Pursuant To Bank Loan  
Agreement; Assignment of Rights as  
Security for Such Loan**

May 26, 1983

In the matter of Middle South Energy, Inc., P.O. Box 6100, New Orleans, Louisiana 70161; Arkansas Power & Light Co., P.O. Box 551, Little Rock, Arkansas 72203; Louisiana Power & Light Co., 142 Delaronde Street, New Orleans, Louisiana 70174; Middle South Utilities, Inc., 225 Barone Street, New Orleans, Louisiana 70112; Mississippi Power & Light Co., P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service Inc., 317 Baronne Street, P.O. Box 60340, New Orleans, Louisiana 70160.

Middle South Utilities, Inc. ("MSU"), a registered holding company, and five of its wholly-owned subsidiary companies, Middle South Energy, Inc. ("MSE"), Arkansas Power & Light Company ("AP&L"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L"), and New Orleans Public Service Inc. ("NOPSI") have filed with this Commission a further post-effective amendment to their application-declaration in this proceeding pursuant to Sections 6(a), 7, and 12 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

On March 18, 1983 (HCAR No. 22884), the Commission issued a notice in this proceeding regarding the proposed issuance and sale by MSE of up to \$340 million of additional notes to domestic banks through December 31, 1986, raising MSE's domestic bank borrowings to approximately \$1.65 billion. It is now proposed that MSE issue and sell approximately \$400 million of additional notes to domestic banks, for a total of approximately \$1.71 billion. The proceeds are to be used to finance the construction of Units No. 1 and 2 of the Grand Gulf nuclear generating plants.

The application-declaration, as now amended, and any further amendments are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by June 22, 1983, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,  
Secretary.

[FR Doc. 83-14767 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

**Philadelphia Stock Exchange, Inc.;  
Applications for Unlisted Trading  
Privileges and of Opportunity for  
Hearing**

May 26, 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:

Ala Moana Hawaii Properties,  
Additional Shares Depository Units,  
No Par Value (File No. 7-6678)  
Chesbrough-Pond's Inc., Common  
Stock, \$1 Par Value (File No. 7-6679)

First Boston, Inc., Common Stock, No  
Par Value (File No. 7-6680)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 17, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if its 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. 83-14794 Filed 6-1-83; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 19797; File No. S7-787]

**Summary Effectiveness and  
Temporary Approval of Proposed  
Amendment to the Plan for the  
Designation of National Market System  
Securities Submitted by the National  
Association of Securities Dealers, Inc.**

May 20, 1983.

**Background**

On May 10, 1983, the National Association of Securities Dealers, Inc. ("NASD") filed with the Commission pursuant to Rule 11Aa2-1 under the Securities Exchange Act of 1934 ("Act")<sup>1</sup> a proposed amendment to its

<sup>1</sup> 17 CFR 240.11Aa2-1 ("Rule"). Pursuant to the Rule, certain actively-traded over-the-counter ("OTC") securities have been or will be designated as National Market System ("NMS") Securities. Upon designation, a NMS Security is deemed a "reported" security, as that term is defined in Rule 11Aa1-1(a)(6) under the Act, and becomes subject to, among other things, the Commission's last sale reporting rule, Rule 11Aa3-1 under the Act.

The Rule employs a two-tiered approach to determine which OTC securities are designated as NMS Securities. In this respect, Tier 1, which became effective on April 1, 1982, automatically requires that the most actively traded OTC securities be designated as NMS Securities and the trading activity with respect to potential NMS Securities be reviewed quarterly to determine if additional securities have become subject to the Rule. Currently, 176 OTC securities have been designated as NMS Securities pursuant to the Tier 1 criteria. In addition, Tier 2, which became effective

"National Market System Securities Designation Plan with Respect to NASDAQ Securities" ("Designation Plan").<sup>2</sup>

The Designation Plan provides for the phased designation of those securities meeting the Tier 2 voluntary designation criteria.<sup>3</sup> Pursuant to the phase-in provisions, on February 8, 1983, 50 securities were selected by the NASD from eligible Tier 2 applications and designated as NMS Securities, based on a variety of factors including the security's trading characteristics, volume and the location of its market makers.<sup>4</sup> The Designation Plan also provides that between February 8, 1983, and April 29, 1983, no further designations of eligible Tier 2 securities would become effective while the NASD studied the impact of last sale reporting on the markets for NMS Securities as well as the ability of the NASDAQ system to accommodate the reporting of additional NMS Securities.

The Plan currently provides that the NASD designate an additional 100 securities subject to the Tier 2 designation criteria in May 1983 and each month thereafter, unless the study reveals "significant unforeseen adverse effects on market makers or issuers of NASDAQ/NMS securities.

#### Proposed Changes To Designation Plan

During the period following the designation of the initial Tier 2 securities, the NASD conducted an extensive monitoring of the impact last sale reporting had on the securities that were designated pursuant to the Tiers 1 and 2 criteria in February. Specifically, the NASD's study disclosed that last sale reporting has had no adverse

impact on quotation spreads and inter-day price volatility after the securities became NMS designated. The study also disclosed that while NASDAQ volume was up overall, NMS designation was clearly a factor for the increased volume in the securities designated in February.<sup>5</sup> Finally, the study indicated that while market maker participation in the Tier 2 securities declined slightly, from an average of 13.67 firms per security in the pre-designation period to an average of 12.45 firms per security, 74 percent of the firms which ceased market making in a Tier 2 security each had constituted only 3 percent or less of the share volume, and 89 percent formerly constituted 5 percent or less. Accordingly, in the view of the NASD, the study did not disclose any adverse effects on market makers or issuers occurring during the study period. Nevertheless, as a result of the recent high levels of trading volume experienced in NSADAQ securities, the NASD recommends a reduction of the number of monthly Tier 2 designations in order to ameliorate market maker administrative burdens during the transition period in which increased numbers of OTC securities become subject to last sale reporting.

The increased NASDAQ volume would appear to effect reporting procedures in two respects. First, the increased volume partially is responsible for a greater number of securities being designated pursuant to the mandatory Tier 1 designation criteria (hence, more stocks being subject to last sale reporting).<sup>6</sup> Second, the increased volume requires market makers to report a greater number of transactions with respect to all NMS Securities. In this respect, the NASD is proposing to amend the phase-in requirements of the Plan so that 57 securities are designated on May 24,

<sup>2</sup> The NASD cautioned, however, that some of the volume increase in NMS Securities resulted from the difference in methodology of reporting NMS Securities and non-NMS NASDAQ securities. Specifically, NMS trades are reported on a real-time basis generally by the selling market maker, whereas non-NMS trades are reported at the end of the day as the higher of a market maker's purchases or sales for that day. The NASD's limited study in this area was unable to draw definitive conclusions as to the precise extent of the increased volume caused by the methodology in calculating NMS volume. While the NASD believes that the differences in the two reporting methods essentially raise an educational matter with respect to investors and traders, the NASD indicated that it will continue in its efforts to ascertain the effect on volume resulting from the change in reporting method.

<sup>3</sup> The Tier 1 criteria require, among other things, that an eligible security have an average trading volume of 600,000 shares or more per month during the six month period preceding the most recent qualification date and a price per share of \$10.00 or more.

1983,<sup>7</sup> and 50 per month each month thereafter until the present accumulation of successful Tier 2 applicants is phased-in.<sup>8</sup> Thereafter, pursuant to Rule 11Aa2-1 and current provisions of the Designation Plan, qualified Tier 2 applicants will have their securities immediately designated. The NASD requests summary effectiveness for the proposed amendment so that the NASD may implement the revised schedule as of May 24, 1983.

#### Discussion

In adopting Rule 11Aa2-1, the Commission determined that there would be substantial benefits associated with last sale reporting in active OTC securities which outweighed any direct or indirect costs to market makers resulting from such reporting.<sup>9</sup> In this regard, the Commission continues to believe that transaction reporting for OTC securities increases the ability of investors to monitor their broker-dealers' efforts to achieve best execution, assists the Commission and the NASD in their oversight responsibilities with respect to the OTC market and enhances the pricing mechanism of the OTC market generally. Accordingly, in light of the absence of any identifiable significant adverse effects resulting from last sale reporting in the NMS Securities designated pursuant to the Tier 2 criteria, the Commission believes that it is appropriate to complete the task of providing all Tier 2 issuers with the opportunity to elect NMS designation.

Nevertheless, the Commission remains cognizant of the concerns expressed by some members of the OTC trading community that the designation of a large number of securities at one time, especially in times of high volume, could affect adversely the OTC market. In this respect, the Commission views the proposed amendment as a reasonable method of minimizing reporting burdens in light of the recent high trading volume while still permitting the NASD to proceed in phasing-in new NMS designations. Accordingly, pursuant to Section (d)(4) of Rule 11Aa2-1, the Commission has granted the proposed amendment summary effectiveness and has

<sup>7</sup> On May 10, 1983, 43 securities were designated pursuant to the Tier 1 designation criteria; accordingly, 100 securities would be designated in May (43 pursuant to Tier 1 and 57 pursuant to Tier 2).

<sup>8</sup> After the 57 Tier 2 applications become effective in May, the NASD indicates that presently an additional 200 successful Tier 2 applications await designation.

<sup>9</sup> See Securities Exchange Act Release No. 17549 (February 26, 1981), 46 FR 13982, 13996.

on February 8, 1983, permits issuers of less actively traded OTC securities to become NMS designated if the issuers so elect. Currently, 50 OTC securities have been designated pursuant to the Tier 2 criteria. For further information concerning the Rule, see Securities Exchange Act Release No. 17549 (February 26, 1981), 46 FR 13992, and Securities Exchange Act Release No. 18397 (January 7, 1982), 45 FR 2079.

<sup>3</sup> The Commission approved the NASD's Designation Plan on January 7, 1982. Securities Exchange Act Release No. 18399 (January 7, 1982), 47 FR 2226. Generally, the Designation Plan provides: (1) Procedures for the designation of NMS Securities; (2) procedures for determining substantial compliance with the Tier 2 criteria established in the Rule; (3) procedures and criteria for terminating or suspending the NMS status of securities; and (4) procedures for publishing lists of NMS Securities.

<sup>4</sup> The phase-in feature of the Designation Plan was included in the plan as a method of minimizing administrative burdens in connection with the potential designation of a large number of securities pursuant to the Tier 2 designation criteria. See Securities Exchange Act Release No. 19288 (December 1, 1982), 47 FR 55357.

<sup>5</sup> In addition, the designation of 50 Tier 1 securities became effective on February 8, 1983.

determined that such action is necessary in the public interest, for the protection of investors or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system or otherwise in furtherance of the purposes of the Act.

#### Conclusion

In accordance with the above, it is ordered, pursuant to Section 11A of the Act, and paragraph (d)(4) of Rule 11Aa2-1 thereunder, that the NASD's amendment to the Designation Plan be, and hereby is, effective for a period not exceeding 120 days from the publication of notice of this release. In order to assist the Commission in determining whether further Commission action should be taken in regard to this amendment before or upon the expiration of the 120 day period, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, within 21 days from the date of publication of this notice in the *Federal Register*. The amendment to the Designation Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. S7-787.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>10</sup>

George A. Fitzsimmons  
Secretary,

[FR Doc. 83-14793 Filed 6-1-83; 6:45 am]  
BILLING CODE 8010-01-M

#### SMALL BUSINESS ADMINISTRATION

[Application No. 03/03-5163]

#### Allied Financial Corp.; 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.*), has been filed by Allied Financial Corporation (Allied), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1983).

The proposed officers, directors, and stockholder of Allied are as follows:  
Curtis S. Steuart, Chairman of the Board  
George C. Williams, President and Director  
David J. Gladstone, Executive Vice President and Director

T. Murray Toomey, Secretary and Director

Henry J. Kaufman, Director

Walter L. Green, Director

Paul L. Courtney, Director

Robert E. Long, Director

Wallace F. Holladay, Director

Willem F. P. de Vogel, Director

Raymond J. Lee, Director

Kenneth A. Swain, Senior Vice President

Harry T. Brill, Treasurer and Assistant Secretary

Joan T. Barra, Assistant Secretary

Kathleen T. Ryan, Assistant Secretary

G. Cabell Williams, III, Assistant Vice President

Clyde D. Garrett, II, Assistant Vice President

Allied Capital Corporation, Sole Shareholder

Allied Capital Corporation is a publicly owned closed-end investment company, whose shares are traded on NASDAQ. Allied Capital Corporation's headquarters are in Washington, D.C. On September 30, 1982, it had assets of \$43.3 million.

Allied, a District of Columbia corporation, with its principal place of business located at 1625 Eye Street, NW., Washington, D.C. 20006 will begin operations with \$500,000 of private capital derived from the sale of common stock to Allied Capital Corporation.

Allied will conduct its activities principally in the Eastern United States.

As a small 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 the Small Business Investment Act of 1958, as amended, from time to time, 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 Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under this 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 to SBA 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, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in the Washington, D.C. area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 25, 1983.

Robert G. Lineberry,  
Deputy Associate Administrator for Investment.

[FR Doc. 83-14796 Filed 6-1-83; 6:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-5176]

#### Peterson Finance and Investment Co.; Application for a License as a Section 301(d) Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1983)), by Peterson Finance and Investment Company, 3300 West Peterson Avenue, Suite A, Chicago, Illinois 60659 for a license to operate as a small business investment company (SBIC) under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. *et seq.*).

The proposed officers, directors and stockholders are:

Name and address	Title and relationship	Percent of ownership
Dr. Hyo H. Byun, 4646 W. Bryn Mawr, Chicago, Illinois 60646.	Chairman of the Board, Director.	19.608
Thomas Lhee, 2619 Iroquois, Wilmette, Illinois 60091.	President, Director.	5.882
Ms. Myung Kim, 2600 Golf Road #507, Glenview, Illinois 60025.	Vice President, Secretary.	0
James S. Rhee, 3425 Keenan Lane, Glenview, Illinois 60025.	Treasurer, Director.	5.882
Harry Zaidenberg, 5445 North Sheridan Road, Chicago, Illinois 60640.	Director.	1.961
Philip Zaidenberg, Apt. 107, River Oaks Center, Calumet City, Illinois 60409.	do.	1.961
Dr. Key I. Nam, 27 Meadowview Drive, Northfield, Illinois 60093.	do.	9.804

<sup>10</sup> 17 CFR 206.30-3(a)(37).

Name and address	Title and relationship	Percent of ownership
Dr. Youk Rim Lee, 46 Cambridge, Oak Brook, Illinois 60521.	do	9.804
Mark Rubert, 3232 West Peterson Avenue, Chicago, Illinois 60658.	do	
The Peterson Bank, 3232 West Peterson Avenue, Chicago, Illinois 60658.	do	
		35.294

The Applicant proposes to begin operations with capitalization of \$506,000 and will be a source of equity capital and long term loan funds solely to small 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 the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act 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 SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of the Notice will be published in a newspaper of general circulation in Chicago, Illinois.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 25, 1983.

**Robert G. Lineberry,**  
Deputy Associate Administrator for  
Investment.

[FR Doc. 83-14787 Filed 6-1-83; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 03/03-5157]

**Salween Financial Services 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. et seq.), has been filed by Salween Financial Services Inc. (Applicant) with the Small

Business Administration (SBA) pursuant to 13 CFR 107.102 (1983).

The officers, directors, and stockholders of the Applicant are as follows:

- Dr. Ramarao Naidu, 7 Caswallen Drive, West Chester, PA 19380—President, Director, 25 percent Stockholder  
Dr. Gurcharan Singh, 1853 Mallard Lane, Villanova, PA 19085—Secretary, Treasurer, Director, 10 percent Stockholder  
Dr. Ramesh K. Agarwal, 15 Waverly Drive, Hollidaysburg, PA 16648—Director, 10 percent Stockholder  
Dr. Millan C. Baidya, 2316 Trillium Lane, Naperville, Illinois 60540—Director, 10 percent Stockholder  
Dr. Harbhajan S. Chawla, 1605 Plymouth Rock Drive, Cherry Hill, New Jersey 08003—Director, 10 percent Stockholder  
Mrs. Urmila Chopra, Box 4, Sylvan Drive, Hollidaysburg, PA 16648—Director, 10 percent Stockholder  
Dr. Sukhdev C. Soni, 210 North Hames Avenue, Joliet, Illinois 60435—Director, 10 percent Stockholder  
Dr. Daljeet Singh, 1933 Fieldwood Drive, Northbrook, Illinois 60062—5 percent Stockholder.

The Applicant, a Pennsylvania corporation with its principal place of business at 228 North Pottstown Pike, Exton, Pennsylvania 19341, will begin operations with \$500,000 of paid-in capital and paid-in surplus derived from the sale of 50,000 shares of common stock.

The Applicant will conduct its activities primarily in the State of Pennsylvania.

Applicant intends to provide assistance to all qualified socially or economically disadvantaged small business concerns as the opportunity to profitably assist such concerns is presented.

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 the Small Business Investment Act of 1958, as amended, from time to time, 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 Applicant include the general business reputation and character of the proposed owners and

management, and the probability of successful operations of the Applicant under this 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 to SBA 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 NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Exton, Pennsylvania.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: May 25, 1983.

**Robert G. Lineberry,**  
Deputy Associate Administrator for  
Investment.

[FR Doc. 83-14786 Filed 6-1-83; 8:45 am]

BILLING CODE 8025-01-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Environmental Impact Statement;  
Jefferson County, Alabama**

**AGENCY:** Federal Highway  
Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Birmingham, Alabama.

**FOR FURTHER INFORMATION CONTACT:**  
Mr. R. W. Evers, District Engineer,  
Federal Highway Administration, 441  
High Street, Montgomery, Alabama  
36104, Telephone: (205) 832-7379. Mr.  
Ray D. Bass, State of Alabama Highway  
Department, 11 South Union Street,  
Montgomery, Alabama 36130,  
Telephone: (205) 832-5440.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the State of Alabama Highway Department, will prepare an Environmental Impact Statement (EIS) for Alabama Project M-7173(2). This proposal is a fourlane arterial project that begins on East Lake Boulevard and extends northeasterly for a distance of approximately 8 miles to Pinson Valley Parkway. This project in conjunction with the proposed Finley Avenue Extension will provide a total of

about a 11.5 mile artery from the Centerpoint area southwest to I-65 and greatly facilitate this traffic movement.

Alternatives under consideration: (1) Location—two basic alignments, with alternates along each alignment in various areas, and (2) a no-action alternative.

Three public involvement meetings will be held to solicit public input for the proposal. Copies of the Draft EIS will be sent to appropriate Federal, State, and local agencies, and to private organizations and individuals who have expressed interest in the proposal. A public hearing will be held. Public notice will be given concerning the time and place of the hearing. The Draft EIS will be available to public review and comment at the hearing. Written comments will be solicited from Federal, State, and local agencies, officials, and individuals who may have an interest in the project.

To ensure that the full range of issues related to this proposed action are addresses and all significant issues are identified, comments are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program)

Issued on May 24, 1983.

L. N. MacDonald,  
Division Administrator, Montgomery,  
Alabama.

[FR Doc. 83-14541 Filed 6-1-83; 8:45 am]

BILLING CODE 4910-22-M

## National Highway Traffic Safety Administration

[Docket No. EX83-1; Notice 2]

### Handcraft Motorcar Co.; Petition for Temporary Exemption From Federal Motor Vehicle Safety Standards

This notice grants the petition by Handcraft Motorcar Company of Bradenton, Florida, for temporary exemption from several Federal motor vehicle safety standards. The basis of the petition was that compliance would cause substantial economic hardship.

Notice of receipt of the petition was published on December 9, 1982, and an opportunity afforded for comment (47 FR 55448).

Handcraft, a Florida corporation, was chartered on April 27, 1982, with the intent of assembling motor vehicles from

components produced by other companies, principally Thoroughbred Motorcars, Inc., of Redmond, Washington (frame and major body components) and Ford Motor Company (mechanical components). The resulting passenger car, styled to resemble a classic Mercedes-Benz 540K of the 1930's will be known as the "Magnum 540K." Petitioner sought an exemption of three years from the following Federal motor vehicle safety standards:

#### 1. Standard No. 104, *Windshield Wiping and Washing Systems*.

Paragraph S4.1.2 of the standard establishes minimum percentages of certain areas on the windshield to be covered by the wipers—80 percent of Area A, 94 percent of Area B and 99 percent of Area C. The percentage cleaned by the Magnum wipers are respectively, 70, 88, and 94 percent.

#### 2. Standard No. 201, *Occupant Protection in Interior Impact*. The vehicle is not equipped with sun visors. The instrument panel "has no sharp, unyielding projections," but to conduct the test specified would cause hardship.

#### 3. Standard No. 202, *Head Restraints*. The seats and head rests are supplied by Ford and used in vehicles that Ford certifies as complying with the standard, but the company lacks the means to verify conformity through testing.

#### 4. Standard No. 203, *Impact Protection for the Driver From the Steering Control System*. The steering column is obtained from Ford, and is used by Ford in vehicles certified as meeting the standard.

#### 5. Standard No. 204, *Steering Control Rearward Displacement*. Petitioner does not know if its vehicle complies. The steering wheel is a substantial distance from the front wheel assembly and the rack and pinion power steering unit. There are three universal joints between the front axle area and the steering column "which will prevent a direct line transmission of any crash impact through the steering column."

#### 6. Standard No. 206, *Door Locks and Door Retention Components*. The Magnum 540K will be equipped with latches manufactured for use in truck cabs. The doors are joined to the body by two hinges, and a total of 20 bolts per door. The body and doors are made of fiberglass.

#### 7. Standard No. 207, *Seating Systems*. The seats are provided by Ford Motor Company and used in certified vehicles. They are mounted in the Magnum 540K by bolts through the floor.

#### 8. Standard No. 212, *Windshield Mounting*. The windshield glass is mounted in a rubber molding which is secured in a steel windshield framework.

#### 9. Standard No. 214, *Side Door Strength*. The doors were not damaged by a "full force blow with a sledge hammer."

#### 10. Standard No. 219, *Windshield Zone Intrusion*. The dimensions of the windshield are such that it "should result in above normal restriction of motor vehicle components into the windshield area during a crash."

#### 11. Standard No. 301, *Fuel System Integrity*. The fuel tank, filler assembly lines, connectors, etc. are provided by Ford Motor Company and are retained as the manufacturer provides them.

The assets of the company as of May 31, 1982, a month after incorporation, totalled \$42,770. The petitioner estimates that the cost of testing to verify compliance of many of the standards discussed above would approach \$150,000, which includes the cost of a vehicle (\$48,000). With the capital at hand, this would cause "substantial economic hardship."

Petitioner argued that an exemption would be in the public interest "by providing an object of aesthetic pleasure to both the public and the individual owner." An exemption would be consistent with the objectives of the Traffic Safety Act in that "every effort has been made to make this car as safe as possible," and it is equipped with "today's modern tires, wheels, brakes, steering, seats, safety belts, glass, door latches, lights, fuel system, energy absorbing bumpers, etc."

No comments were received on the petition.

The National Highway Traffic Safety Administration has decided to grant the petition of Handcraft Motorcar Company. The Magnum's windshield wipers cover a greater percentage of the wiped areas A, B, and C of Standard 104 than some other vehicles NHTSA has exempted. The use of components that are found in vehicles of other manufacturers that are certified as complying with the standards afford the agency a reasonable basis on which to find that exemptions are consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. These components include seats, headrests, door latches, steering columns and fuel system components. With respect to other standards, the statements of petitioner indicate that it has analyzed the requirements of the standards as they relate to its specific vehicle design, affording a degree of compliance which, however, could be verified only through testing. As the amount required to conduct these tests would probably exceed the value of the company's assets, it is hereby found that immediate

compliance would cause Handcraft substantial economic hardship. Because an exemption will afford employment to the petitioner and its supplier, it is found to be in the public interest.

In consideration of the foregoing, Handcraft Motorcar Corporation is hereby granted NHTSA Exemption 83-1, expiring February 1, 1986, from the following Federal Motor Vehicle Safety Standards or portions thereof: Paragraph S4.1.2 of 49 CFR 571.104, Motor Vehicle Safety Standard No. 104, *Windshield Wiping and Washing Systems*; 49 CFR 571.201, Motor Vehicle Safety Standard No. 201, *Occupation Protection in Interior Impact*; 49 CFR 571.202, Motor Vehicle Safety Standard No. 202, *Head Restraints*; 49 CFR 571.203, Motor Vehicle Safety Standard No. 203, *Impact Protection for the Driver From the Steering Control System*; 49 CFR 571.204, Motor Vehicle Safety Standard No. 204, *Steering Control Rearward Displacement*; 49 CFR 571.206, Motor Vehicle Safety Standard No. 206, *Door Locks and Door Retention Components*; 49 CFR 571.207, Motor Vehicle Safety Standard No. 207, *Seating Systems*; 49 CFR 571.212, Motor Vehicle Safety Standard No. 212, *Windshield Mounting*; 49 CFR 571.214, *Side Door Strength*; 49

CFR 571.219, Motor Vehicle Safety Standard No. 219, *Windshield Zone Intrusion*; and 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, *Fuel System Integrity*.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.50)

Issued on May 25, 1983.

**Diane K. Steed,**

*Acting Administrator.*

[FR Doc. 83-14817 Filed 6-1-83; 9:45 am]

**BILLING CODE 4910-59-M**

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## UNITED STATES INFORMATION AGENCY

### Radio Engineering Advisory Committee; Meeting

The Radio Engineering Advisory Committee of the United States Information Agency (USIA) will meet in Washington, D.C., on Friday, June 17, 1983, to discuss current operations and future plans of the Voice of America (VOA). The meeting will be held at the VOA Headquarters, 330 Independence Avenue, SW., Room 3348, beginning at 9:00 AM. Point of contact for the meeting is Terry Balaza, tel: 202 485-8048.

This meeting will include remarks by Charles Z. Wick, Director of USIA, on the role of this agency in international broadcasting; remarks by Kenneth Y. Tomlinson, Associate Director for Broadcasting, on the current status of and future plans for VOA broadcasting operations; and a discussion led by Maurice J. Raffensperger, Director of Engineering and Technical Operations, on specific technical plans and recommendations for correcting deficiencies.

The meeting will be closed to the public because there will be a discussion of issues relating to future site negotiations for Voice of America relay stations. The meeting will be closed because disclosure of the matters to be discussed is likely to divulge information that is (A) specifically authorized under criteria established by an Executive Order to be kept secret in the interest of national defense or foreign policy and (B) in fact is properly classified pursuant to such Executive Order (5 U.S.C. 552b(c)(1)).

Dated: May 27, 1983.

**Charles Z. Wick,**

*Director.*

[FR Doc. 83-14856 Filed 6-1-83; 9:45 am]

**BILLING CODE 8230-01-M**

# Sunshine Act Meetings

Federal Register

Vol. 48, No. 107

Thursday, June 2, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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### 1 FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold a Closed Commission Meeting Thursday, June 2, 1983.  
May 26, 1983.

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Thursday, June 2, 1983, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

#### *Agenda, Item No., and Subject*

Hearing—1—Court remand of the RKO General, Inc. Fidelity Television, Inc. comparative television renewal proceeding (Docket Nos. 16679-16680).

This item is closed to the public because it concerns Adjudication Matters [See 47 CFR 0.603(j)].

The following persons are expected to attend:

Commissioners and their Assistants  
Managing Director and members of his staff  
General Counsel and members of his staff  
Chief, Office of Public Affairs and members of his staff

Action by the Commission May 18, 1983. Commissioners Fowler, Chairman; Quello, Fogarty, Jones, Dawson, Rivera and Sharp voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commissioner to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: May 25, 1983.  
William J. Tricarico,  
Secretary, Federal Communications  
Commission.

[S-781-83 Filed 5-31-83; 11:21 am]  
BILLING CODE 6712-01-M

### 2 FEDERAL DEPOSIT INSURANCE CORPORATION

#### Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, June 6, 1983, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Request for reconsideration of a previous denial of an application for Federal deposit insurance:

Dakota Bank of Wahpeton, a proposed new bank to be located at 1005 Dakota Avenue, Wahpeton, North Dakota.

#### Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Reports of the Director, Office of Corporate Audits and Internal Investigations:  
Audit Report re: Summary of Three Liquidation Site Audits, dated May 5, 1983.  
Audit Report re: Summary of Three Liquidation Site Audits, dated May 12, 1983.

#### *Discussion Agenda:*

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC

Building located at 550 17th Street NW., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 27, 1983.  
Federal Deposit Insurance Corporation.  
Hoyle L. Robinson,  
Executive Secretary.

[S-776-83 Filed 5-27-83; 5:13 pm]  
BILLING CODE 6714-01-M

### 3 FEDERAL DEPOSIT INSURANCE CORPORATION

#### Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m., on Monday, June 6, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

**Summary Agenda:** No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

#### Notice of acquisition of control:

Name and location of bank and names of acquiring persons authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of person names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act (5

U.S.C. 552b (c)(6), and (c)(8), and (c)(9)(A)(ii).

**Note.**—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

#### Discussion Agenda:

Request for reconsideration of a previous denial of a request for relief from adjustment for violations of Regulations Z:

Name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8) and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8) and (c)(9)(A)(ii)).

Personnel actions regarding appointment, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: May 27, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[S-779-83 Filed 5-27-83; 5:13 pm]

BILLING CODE 6714-01-M

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#### FEDERAL ELECTION COMMISSION

**DATE AND TIME:** Tuesday, June 7, 1983, 10 a.m.

**PLACE:** 1325 K Street, NW., Washington, D.C.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:**  
Compliance. Personnel. Litigation. Audits.

**DATE AND TIME:** Thursday, June 9, 1983, 10 a.m.

**PLACE:** 1325 K Street, NW., Washington, D.C. (fifth floor).

**STATUS:** This meeting will be open to the public.

#### MATTERS TO BE CONSIDERED:

Setting of dates for future meetings correction and approval of minutes

Advisory opinions:

Draft AO 1983-12: J. Curtis Herge, Esq., on

behalf of National Conservative Political Action Committee

Draft AO 1983-14: James B. Keegan, Treasurer, Second Congressional Boosters (for Don Clausen)

Draft AO 1983-16: Congressman Vic Fazio, on behalf of the Sala Burton for Congress Committee

Eligibility reports for candidates to receive presidential primary matching payments

Proposed revisions to Presidential Election Campaign Fund regulations

Personnel reclassification Office of Planning and Management

Finance Committee report

Routine Administrative matters

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Fred Biland, Information Officer; telephone: 202-523-4065.

Marjorie W. Emmons,  
Secretary of the Commission.

[S-786-83 Filed 5-31-83; 3:51 pm]

BILLING CODE 6715-01-M

5

#### FEDERAL HOME LOAN BANK BOARD

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** Vol. No. 4B, Page No. none at this time. Date published, none at this time.

**PLACE:** Board Room, sixth floor, 1700 G Street, NW., Washington, D.C.

**STATUS:** Open meeting.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Ms. Gravlee, (202-377-6970).

**CHANGES IN THE MEETING:** The Bank Board meeting previously scheduled for Thursday, June 2, 1983, has been cancelled.

[S-782-83 Filed 5-31-83; 12:52 pm]

BILLING CODE 6720-01-M

6

#### FEDERAL TRADE COMMISSION

**TIME AND DATES:** 10 a.m., Monday and Tuesday, June 6 and 7, 1983.

**PLACE:** Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

**STATUS:** Open

#### MATTER TO BE CONSIDERED:

Oral Presentations concerning Proposed Trade Regulation Rule on Credit Practices.

#### CONTACT PERSON FOR MORE

**INFORMATION:** Susan B. Ticknor, Office of Public Information: (202) 523-1892; Recorded Message: (202) 523-3806.

[S-780-83 Filed 5-31-83; 9:45 am]

BILLING CODE 6750-01-M

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#### POSTAL SERVICE

Cancellation of a Meeting

**"FEDERAL REGISTER" CITATIONS OF PREVIOUS ANNOUNCEMENTS:** 48 FR 22254, May 17, 1983; 48 FR 23353, May 24, 1983.

**OPREVIOUSLY ANNOUNCED TIME AND DATE OF MEETINGS:** Meeting (closed): 1 p.m., Wednesday, June 1, 1983; meeting (open): 8 a.m., Thursday, June 2, 1983.

**CHANGE:** A majority of the Board, Governors Camp, McKean, and Voss being in the minority, determined by recorded vote that this meeting should be cancelled. No earlier announcement was possible.

#### CONTACT PERSON FOR MORE

**INFORMATION:** David F. Harris (202) 245-3734.

David F. Harris,  
Secretary.

[S-783-83 Filed 5-31-83; 2:48 pm]

BILLING CODE 7710-12-M

8

#### POSTAL SERVICE

Meeting

The Audit Committee of the Board of Governors of the United States Postal Service, pursuant to the Bylaws of the Board (39 CFR 7.1(a) and 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice it intends to hold a meeting at 9:00 a.m. on Monday, June 13, 1983, in Room 10300, Postal Service Headquarters, 475 L'Enfant Plaza, S.W., Washington, D.C.

Pursuant to section 552b(c)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, the Committee has determined that the meeting should be closed to public observation. The only agenda item for the meeting will be a discussion of the state of Postal Service finances and future mail rate adjustments.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 245-3734.

David F. Harris,  
Secretary.

[S-784-83 Filed 5-31-83; 2:48 pm]

BILLING CODE 7710-12-M

9

#### POSTAL SERVICE

Vote To Close Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold a meeting at 1:30 p.m. on Monday, June 13, 1983, continued at 8:30 a.m. on Tuesday, June 14, 1983, in

Washington, D.C., in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, Washington, D.C. By telephone vote on May 27, 1983, the Board voted to close the meeting to public observation. The meeting is expected to be attended by the following persons: Vice Chairman Babcock; Governors Camp, Hughes, McKean, Ryan, Sullivan and Voss; Postmaster General Bolger; Deputy Postmaster General Finch; Secretary of the Board Harris; General Counsel Cox; Senior Assistant Postmaster General Coughlin; Assistant Postmaster General McCaffrey; and Associated General Counsel Beck.

The only agenda item to be considered at this meeting will be a discussion regarding future rate adjustments.

Accordingly, the Board of Governors

has determined that pursuant to section 552(b)(3) of title 5, United States Code, and § 7.3(c) of title 39, Code of Federal Regulations, the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act (5 U.S.C. 552b(b)), because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39. The Board determined further that, pursuant to section 552 b(c)(10) of title 5 and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the initiation of a particular case involving a

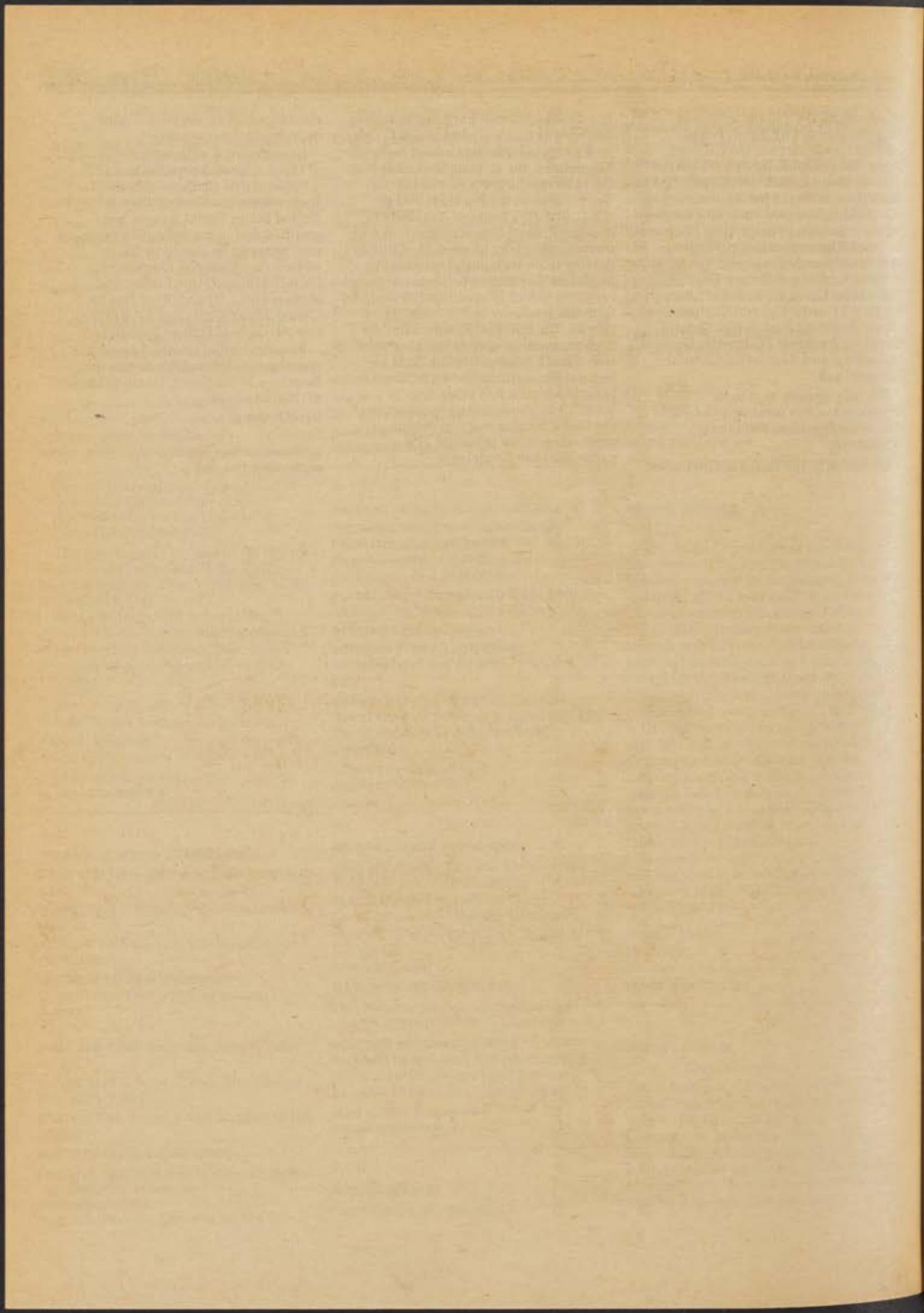
determination on the record after opportunity for a hearing.

In accordance with section 552 b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to sections 552(b)(c) (3) and (10) of title 5 and section 410(c) (3) and (4) of title 39, United States Code, and § 7.3(c)(j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 245-3734.

David F. Harris,  
*Secretary.*

[S-785-83 Filed 5-31-83; 2:49 pm]  
BILLING CODE 7710-12-M



# **federal register**

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**Thursday  
June 2, 1983**

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**Part II**

**Department of  
Transportation**

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**Federal Highway Administration**

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**Truck Size Policy Statement;  
Modifications of Certain Interim  
Designated Highways**

## DEPARTMENT OF TRANSPORTATION

## Federal Highway Administration

## 23 CFR Ch. I

[FHWA Docket No. 83-4, Notice No. 8]

Truck Size Policy Statement;  
Modifications of Certain Interim  
Designated HighwaysAGENCY: Federal Highway  
Administration (FHWA), DOT.ACTION: Modification of policy  
statement.

**SUMMARY:** The FHWA made an interim designation of each State's Federal-aid primary system highways on April 5, 1983. These roads were to be made available to certain size trucks from April 6 until issuance of the final regulation pursuant to the requirements of the Surface Transportation Assistance Act (STAA) of 1982. By this notice, the FHWA provides modifications to the interim designated highway networks for the States of Idaho, Maine, Minnesota, New Hampshire and North Carolina.

**EFFECTIVE DATE:** The modifications are effective June 2, 1983, and will expire upon designation of the final network.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sheldon G. Strickland, Office of Highway Planning, (202) 426-0153, or Mr. David C. Oliver, Office of the Chief Counsel, (202) 426-0825, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are 7:30 a.m. to 4:00 p.m. ET, Monday through Friday, except legal holidays.

**SUPPLEMENTARY INFORMATION:** On April 5, 1983, FHWA issued a policy statement (48 FR 14844) that provided an interim designation of primary system highways on which commercial motor vehicles with dimensions authorized by sections 411 and 416 of the STAA of 1982 (Pub. L. 97-424, as amended by Pub. L. 98-17) may be permitted to operate from April 6, 1983, until issuance of final regulations. The policy statement also provided that modifications to the interim designated network would be made under certain circumstances.

The designated routes in the Appendix to this notice supersede those

routes designated in the April 5, 1983, policy statement. On May 3, 1983 (48 FR 20022) and May 12, 1983 (48 FR 21317) modifications were made in the interim designations for 21 States. At this time the FHWA is announcing modifications of the designations in five additional States. Highlights of the State-by-State modifications follow.

*Idaho.* Portions of US 93, US 95 and US 26 are removed from the interim system. Routes US 2 and US 12 are deleted from the interim system.

*Maine.* Route US 302 is deleted from the interim system.

*Minnesota.* Several corrections and additions have been made.

*New Hampshire.* Routes US 202, US 302, and US 2 are deleted from the interim system and changes made in other route designations.

*North Carolina.* Several corrections and additions have been made.

Issued on: May 31, 1983.

R. D. Morgan,

Executive Director, Federal Highway  
Administration.

## APPENDIX-MODIFIED LIST FOR CERTAIN STATES

Posted route No.	From	To	Miles
Idaho			
ID 16	ID 44	Ermell	13.93
ID 19	Wilder	Caldwell	9.98
US 20	Oregon St. Line	I-84 Near Boise	30.15
US 20	Mountain Home	Montana St. Line	252.86
ID 22	ID 33	Dubois	43.94
ID 24	Rupert	Shoshone	68.53
ID 25	Jerome	I-84 Rupert	46.33
US 26	Bliss	Blackfoot	141.02
ID 27	Oakley	Paul	22.37
ID 28	Mud Lake	Salmon	120.05
US 30	US 95	I-84	10.82
US 30	Nampa	I-84	1.17
US 30	Bliss	Burley	32.86
US 30	McCammon	Wyoming St. Line	95.74
ID 33	US 20	Wyoming St. Line	136.85
ID 34	Utah St. Line	Conda	60.57
ID 39	American Falls	Blackfoot	49.57
ID 40	I-15	Downey	2.74
ID 41	I-90	Newport	39.06
ID 44	I-84	Boise	19.78
ID 46	Wendell	US 20	43.05
ID 48	Roberts	Rigby	13.97
ID 50	US 30	ID 25	8.09
ID 51	Nevada St. Line	Mountain Home	90.79
ID 53	Washington St. Line	US 95	14.24
ID 55	Marsing	Eagle	15.57
ID 64	Craigmont	Nez Perce	14.71
ID 67	Mountain Home AFB	Mountain Home	8.95
ID 74	US 93	Twin Falls	4.85
ID 75	Shoshone	Ketchum	53.72
ID 77	Declo	I-84	3.03
ID 78	Marsing	ID 51	76.00
ID 81	Maha	Burley	32.86
ID 79	Jerome	South	1.94
ID 87	US 20	Montana St. Line	8.15
US 89	Utah St. Line	Montpelier	25.02
US 91	Utah St. Line	I-15	42.54
US 91	Pocatello	I-15 Bus	32.13
US 93	Nevada St. Line	Shoshone	68.38
US 95	Grangeville	Moscow	96.2
US 95	Coeur d'Alene	Bonnets Ferry	71.3
I-15 Bus	I-15	Idaho Falls	3.85
I-84 Bus	I-84	Mountain Home	6.66

## APPENDIX-MODIFIED LIST FOR CERTAIN STATES—Continued

Posted route No.	From	To	Miles
<b>Maine</b>			
Scarboro Connector	I-295 South Portland	US 1 South Portland	2
South Portland Spur	I-95 South Portland	US 1 South Portland	2
Maine Turnpike	I-95 Portland	I-95 Near Gardiner	44
US 1	I-95 Yarmouth	I-95 Freeport	3
US 1	I-95 Brunswick	Old US 1 (vicinity of Congress St.) Bath	8
US 1	I-95 Houlton	Canada Border, Fort Kent	121
<b>Minnesota</b>			
US 59	I-90	Slayton	30
MN 220	US 75 Climax	East Grand Forks	26
US 71	I-94 Sauk Centre	Long Prairie	19
US 12	Benson	I-494 Minneapolis	114
MN 9	Benson	Morris	23
MN 28	Brown's Valley	I-94 Sauk Centre	101
MN 55	I-494 near Minneapolis	MN 28 at Glenwood	110
US 10	I-694 near Minneapolis	North Dakota St. Line	240
MN 65	Minneapolis	MN 23 Mora	59
US 61	Duluth	Two Harbors	28
MN 24	I-94	US 10 Clear Lake	4
US 212	South Dakota St. Line	I-494 near Minneapolis	159
MN 7	US 59 at Montevideo	I-494 near Minneapolis	116
MN 43	I-90 Wilson	US 61 Winona	7
US 14	US 75	I-35	163
MN 60	Iowa St. Line	Mankato	108
US 169	Mankato	I-35 via TH 101/13	69
US 75	Odessa	Climax	175
MN 7	US 75	Montevideo	38
US 71	Iowa St. Line	I-90	10
US 59	I-94	US 2 at Erskine	111
MN 29	I-94	Alexandria	4
MN 210	US 75 at Breckenridge	Fergus Falls	25
MN 23	US 12 Willmar	I-35	125
US 52	US 63 near Rochester	MN 110 at Mendota Heights	75
US 61	I-90 Dakota	Wabasha	50
US 63	I-90	US 52 at Rochester	8
MN 371	Brainerd	US 2 Cass Lake	60
US 2	East Grand Forks	Duluth	261
US 53	US 61 at Duluth	US 169	64
US 169	Aitkin	US 53	111
US 169	I-94 near Minneapolis	MN 95 at Princeton	40
MN 210	Brainerd	Aitkin	30
MN 33	US 61/I-35	US 53 Independence	20
US 218	Iowa St. Line	I-90	12
MN 27	US 71 at Long Prairie	US 10 at Little Falls	25
MN 210	US 10 at Motley	MN 371 at Brainerd	22
MN 371	US 10 at Little Falls	MN 210 at Brainerd	30
MN 27	MN 29 at Alexandria	MN 127 at Osakis	11
MN 127	MN 27 at Osakis	I-94	2
MN 41	US 212 near Chaska	US 169	2
MN 56	US 52 at Inver Grove Heights	I-494	5
<b>New Hampshire</b>			
US 3	Massachusetts St. Line	101A Nashua	6
Everett Turnpike	101A Nashua	I-293 Bedford	13
NH 101	West End Millford Bypass	I-293 Bedford	18
NH 9	Vermont St. Line	I-89 Hopkinton	62
NH 101	I-93 Manchester	NH 51 Exeter	33
NH 51	NH 101 Exeter	US 1 Hampton	7
Spaulding Turnpike	US 4 Dover	NH 16 Laskey Corner	25
US 4	Exit 6 Spaulding Turnpike	I-95 Portsmouth	6
NH 16	Spaulding Turnpike near Laskey Corner	US 302 Conway	47
US 3	I-93 North Woodstock	Twin Mountain	21
NH 18	Vermont St. Line	I-93 Littleton	6
<b>North Carolina</b>			
US 19	US 64 near Ranger	US 19A near Bryson City	
US 19A	US 19 near Bryson City	US 19 near Lake Junaluska	
US 25	South Carolina St. Line	I-26 near East Flat Rock	
US 221	Rutherfordton	I-40	
US 1	US 74 at Rockingham	I-85 near Henderson	
US 15	US 401 near Laurinburg	US 1 Aberdeen	
US 15	US 1 Northview	US 64 Pittsboro	
US 401	South Carolina St. Line	I-40 Raleigh	
US 17	South Carolina St. Line	Jct US 74/76 West of Wilmington	
US 17	NC 1409	Virginia St. Line	
US 76	Jct US 17/74 West of Wilmington	NC 1409	
SR 1409 (Truck Rt.)	US 76	US 17	
US 64	Tennessee St. Line	Jct US 19/129 near Ranger	
US 64	US 1/70/401 Raleigh	US 17 Williamston	
US 64	US 29 Lexington	US 15 Pittsboro	
US 258	NC 24 near Richlands	US 64 Tarboro	
US 601	South Carolina St. Line	US 74 near Monroe	
US 74	US 221 Rutherfordton	I-85 near Kings Mountain	
US 220	US 1 near Rockingham	Virginia St. Line	
NC 49	I-85 Charlotte	US 52 Richfield	
NC 18	I-40 near Morgantown	US 321 near Lenoir	

## APPENDIX-MODIFIED LIST FOR CERTAIN STATES—Continued

Posted route No.	From	To	Miles
US 321	I-40 near Hickory	NC 90 near Lenoir	
US 321	South Carolina St. Line	I-85 near Gastonia	
US 52	NC 24/27 Albemarle	Virginia St. Line	
US 87	NC 24/27 Spout Springs	US 1 Sanford	
US 158	I-40 Winston-Salem	US 29 Reidsville	
US 158	I-85 Henderson	US 258 Murfreesboro	
US I-40 Conn.	US 19 near Lake Junaluska	I-40 West of Clyde	
US 70	US 70A near Smithfield	I-85 Durham	
US 70A	US 70 near Princeton	US 70 near Smithfield	
US 64	US 1 Raleigh	US 17 Williamston	
I-95 Bus	Kenly	Gold Rock	
US 74	I-277	US 17 near Wilmington	
US 23	US 19A Dillsboro	US 441 Franklin	
US 29	US 52 Lexington	I-85 Greensboro	
US 258	US 158 Murfreesboro	Virginia State Line	
US 521	South Carolina St. Line	I-77	
NC 24	US 74 Charlotte	US 52 Albemarle	
US 70	I-85 Salisbury	I-77 Statesville	
US 29	I-85 Greensboro Fayetteville	Virginia St. Line	
US 15	US 64 Pittsboro	I-85 Durham	
NC 54	I-85 Graham	US 15 Chapel Hill	
US 264	US 17 Washington	US 64 near Zebulon	
NC 11	US 70 Kinston	US 264 Greenville	
SR 1728 (Wade Ave., Ext.)	US 1 Raleigh	I-40	
SR 1959-2026 (Truck Rt.)	US 70 Raleigh	I-40	
US 421	Kure Beach	I-95 Dunn	
US 421	US 1 Sanford	US 64 Siler City	
US 421	I-40 Winston-Salem	Wilkesboro	
NC 24	US 70 Mansfield	US 701 Clinton	
NC 24	I-95	Spout Springs	
US 70	Beaufort	US 70A near Princeton	

[FR Doc. 83-14938 Filed 6-1-83; 8:45 am]

BILLING CODE 4910-22-M

# Reader Aids

Federal Register

Vol. 48, No. 107

Thursday, June 2, 1983

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## CFR PARTS AFFECTED DURING JUNE

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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.

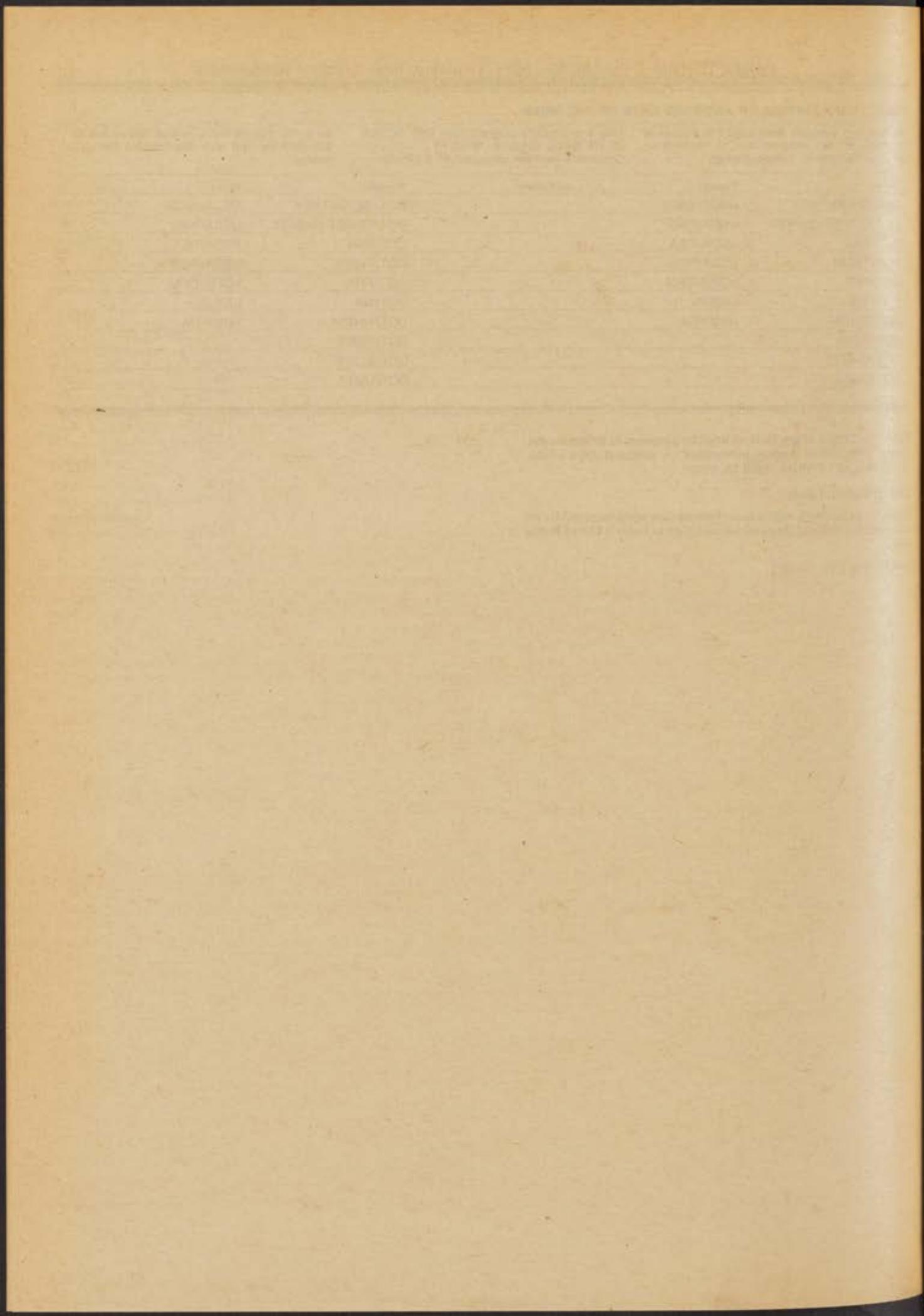
Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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DOT/UMTA			DOT/UMTA	

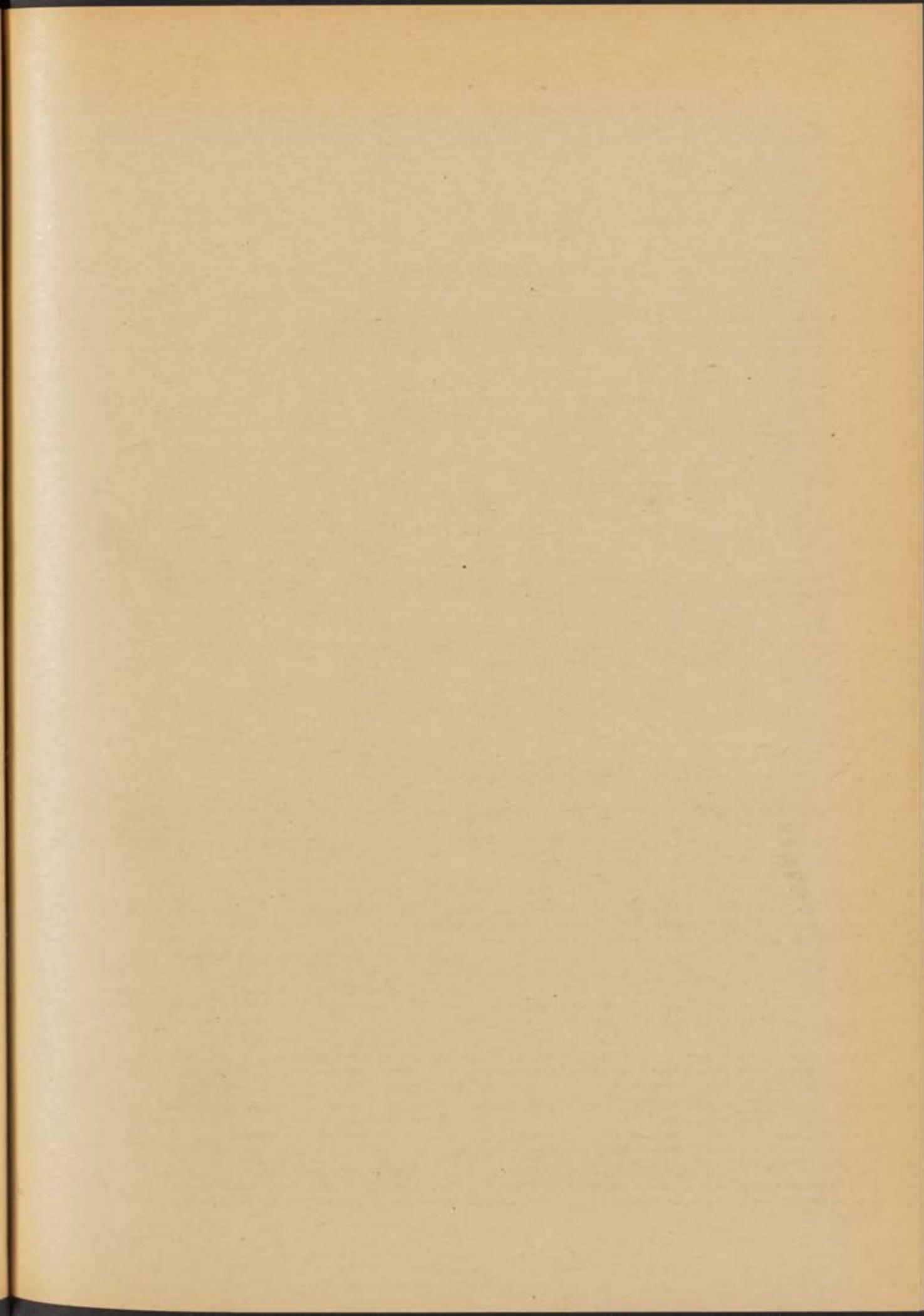
Note: The Office of the Federal Register proposes to terminate the formal program of agency publication on assigned days of the week. See 48 FR 19283, April 28, 1983.

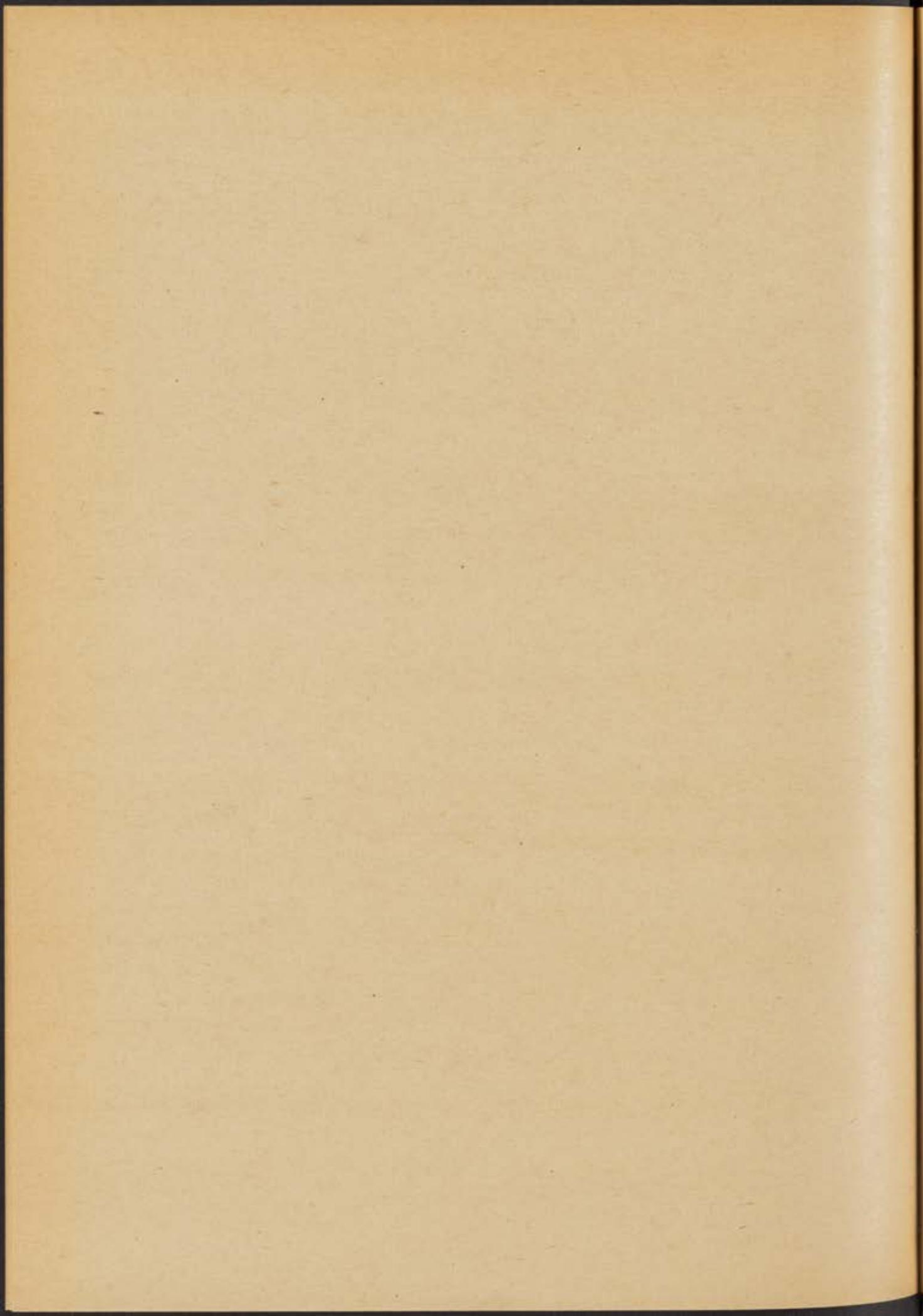
**List of Public Laws**

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 June 1, 1983





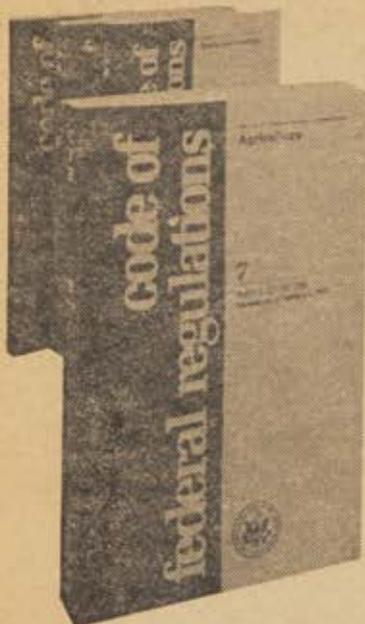


Code of  
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Regulations

Revised as of January 1, 1964

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2	101-200	Business
3	201-300	Education
4	301-400	Health
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Revised as of January 1, 1983

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