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Thursday
June 16, 1983

Selected Subjects

CONTINUED INSIDE

Selected Subjects

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Contents

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

Separate Parts in This Issue

CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

FEDERAL LABOR RELATIONS AUTHORITY AND GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2423

Informal Resolution of Unfair Labor Practice Allegations

AGENCY: Federal Labor Relations Authority and General Counsel of the Federal Labor Relations Authority.

ACTION: Amendment of rules and regulations.

SUMMARY: The General Counsel of the Federal Labor Relations Authority, pursuant to section 7118(a)(5) of the Federal Service Labor-Management Relations Statute (5 U.S.C. 711(a)(5)), has determined to adopt the proposed revision of §§ 2423.2(c) and 2423.7(a) of the rules and regulations relating to informal resolution of unfair labor practice allegations published in the Federal Register on January 10, 1983 (48 FR 1074). The amendments provide that normally, an unfair labor practice investigation will not commence until the parties have had a reasonable period of time *after* the filing of a charge, not to exceed fifteen (15) days, to informally resolve their dispute.

EFFECTIVE DATE: June 20, 1983.

FOR FURTHER INFORMATION CONTACT: David L. Feder, Assistant General Counsel, Office of the General Counsel (202) 382-0834.

SUPPLEMENTARY INFORMATION: On January 10, 1983, the General Counsel of the Authority published proposed regulations at 48 Federal Register 1074 to: (1) Reaffirm the existing policy of the Authority and the General Counsel to encourage the informal resolution of unfair labor practice allegations both prior and subsequent to the filing of an unfair labor practice charge; and (2) reinforce this policy by affording the parties an opportunity to resolve among themselves unfair labor practice allegations after the filing of an unfair labor practice charge but prior to the commencement of an investigation of the charge.

Parties were afforded an opportunity to submit written comments by February 25, 1983. Three labor organizations (two national and one local) and eight agencies (five Departments and three independent agencies) submitted written comments on the proposed revision. All of the agencies commenting opposed the revision, taking the position *inter alia* that the parties should be required to attempt to settle alleged unfair labor practice charges prior to the commencement of an investigation. All of the labor organizations commenting took the position that the revision was unwarranted and only would further delay the processing of unfair labor practice charges.

The General Counsel of the Authority has carefully considered all of the comments received on the proposed revision and has concluded that the proposed amendments further the policy of the Authority and the General Counsel by affording the parties an apportunity to informally resolve an unfair labor practice allegation among themselves after the filing of the charge without the intervention of an Authority agent occasioned by the commencement of an investigation.

With regard to the agencies' comments, it was determined that a regulation *requiring* parties to attempt to settle alleged unfair labor practice charges prior to the commencement of an investigation could lead to allegations of noncompliance with this requirement thus raising issues collateral to the unfair labor practice dispute necessitating further investigations, determinations and litigation, only complicating resolution of the alleged unfair labor practice. Additionally, since the rules and regulations provide the parties with every opportunity to resolve their dispute voluntarily prior to the commencement of an investigation and throughout all subsequent stages of the processing of an unfair labor practice charge, it was concluded that *requiring* the parties to attempt to resolve their dispute would not promote the purposes and policies of the Statute. Moreover, parties are still strongly encouraged by the Authority and the General Counsel to attempt to resolve their dispute *prior* to the filing of a charge and to continue settlement efforts at all stages of the processing of a charge.

As to the commenting labor organizations' concern about delay in the processing of unfair labor practice charges resulting from adoption of the proposed amendments, it was determined that a fifteen (15) day time period would provide a reasonable opportunity for the parties to explore settlement after the filing of an unfair labor practice charge, while not unduly delaying the investigation and disposition of the charge. In this latter regard, and as noted in the publication of the proposed amendments, Regional Offices, in many instances, do not commence their investigations of unfair labor practice charges until at least fifteen (15) days after the filing of the charge. Further, the amendments, as adopted, provide that the investigation *normally* will not commence for a time period not to exceed fifteen (15) days from the filing of the charge. This allows investigations to commence prior to the expiration of such fifteen (15) day period in the discretion of the Regional Directors; e.g., where appropriate temporary relief under section 7123(d) of the Statute appears to be warranted or where a pending representation election is blocked by an unfair labor practice charge.

Accordingly, the General Counsel of the Authority adopts the amendments as proposed. The promulgation of the proposed rules is not intended to limit the discretion of Regional Directors in commencing investigations of unfair labor practice charges where circumstances warrant that an investigation be commenced prior to the expiration of the fifteen (15) day period or that an investigation be delayed beyond the expiration of the fifteen (15) day period where the parties agree that the investigation should be further delayed to afford them an additional opportunity to resolve their dispute. In this regard, Regional Directors retain the

discretion they now possess under the rules and regulations to conduct such investigations as they deem necessary.

List of Subjects in 5 CFR Part 2423

Administrative practice and procedure, Government employees, Labor management relations.

PART 2423—UNFAIR LABOR PRACTICE PROCEEDINGS

Accordingly, the final rules and regulations of the Authority and the General Counsel of the Authority are amended as follows:

1. Section 2423.2 is amended by adding a new paragraph (c) to read as follows:

§ 2423.2 Informal proceedings.

* * * * *

(c) In order to afford the parties an opportunity to implement the policy referred to in paragraphs (a) and (b) of this section, the investigation of an unfair labor practice charge by the Regional Director will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, during which period the parties are urged to attempt to informally resolve the unfair labor practice allegation.

2. Section 2423.7(a) is revised to read as follows:

§ 2423.7 Investigation of charges.

(a) The Regional Director, on behalf of the General Counsel, shall conduct such investigation of the charge as the Regional Director deems necessary. Consistent with the policy set forth in section 2423.2, the investigation will normally not commence until the parties have been afforded a reasonable amount of time, not to exceed fifteen (15) days from the filing of the charge, to informally resolve the unfair labor practice allegation.

* * * * *

(5 U.S.C. 7118(a)(5) and 7134)

Note.—In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, the General Counsel of the Federal Labor Relations Authority has determined that this document does not require preparation of a Regulatory Flexibility Analysis.

Dated: June 2, 1983.

General Counsel of the Federal Labor Relations Authority.

John C. Miller,

General Counsel

[FR Doc. 83-16202 Filed 6-15-83; 8:45 am]

BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 906

Oranges and Grapefruit Grown in Texas; Relaxation of Handling Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule relaxes current handling requirements to permit shipment of Texas grapefruit in bulk (not in any of the currently authorized containers), if it grades at least U.S. No. 2 Russet, and it is at least 3 5/16 inches in diameter. Such action is designed to provide an outlet for grapefruit remaining on the trees at the end of the season after the commercial packing and processing facilities have closed.

DATES: Effective June 10, 1983, through July 31, 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 certified 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 Texas grapefruit 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. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Texas Valley Citrus Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This final rule relaxes until July 31, 1983, current grade and size requirements for grapefruit, provided such fruit is shipped in bulk and it grades at least U.S. No. 2 Russet and it is at least 3 5/16 inches in diameter. Such shipments shall be exempt from assessments, and inspection and certification requirements.

This action reflects the current crop and marketing conditions and the composition of the remaining supplies for Texas grapefruit. The Texas Valley Citrus Committee reports that all processing and packing facilities available to Texas grapefruit growers will likely be closed for the season by June 11. The committee estimates that about 2,000 tons of grapefruit remain unharvested and may be abandoned unless current handling requirements are relaxed. Reportedly, demand exists for such fruit in nearby markets. Prompt action is required because prolonged hot weather will likely render the grapefruit unmarketable. These shipments are viewed as special purpose shipments because the grapefruit would be shipped in bulk form by growers and the quantities handled would be relatively insignificant. Such shipments may be exempted from inspection and certification requirements and assessments under § 906.42 of the order. The regualtion provides for such exemption because it would be administratively impracticable to assure compliance with these provisions due to the small quantities involved.

It is found that it is impracticable and contrary to the public interest to postpone the effective date of this final rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) in that the time intervening between the date when information upon which this final rule is based became available and the time when this final rule must become effective in order to effectuate the declared policy of the Act is insufficient. Interested persons were given an opportunity to submit information and views on the revision of grade and size requirements for certain bulk shipments at an open meeting, at which the committee, without opposition, recommended the requirements specified in this final rule. It is necessary to effectuate the declared purposes of the Act to make this final rule effective as specified. This final rule relieves restrictions on the handling of grapefruit and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 906

Marketing agreement and orders, Oranges, Grapefruit, Texas.

PART 906—[AMENDED]

Therefore, § 906.365 [47 FR 1265] is amended by adding a new paragraph (c)

to the section to read as follows (this final rule expires July 31, 1983, and will not be published in the annual Code of Federal Regulations):

§ 906.365 Texas orange and grapefruit regulation 34.

* * * * *

(c) Notwithstanding the requirements specified for grapefruit in paragraphs (a)(3) through (6) of this section, during the period (insert date of signature of this final rule), through July 31, 1983, any handler may ship grapefruit in bulk (defined to mean in containers other than those specified in § 906.340): *Provided*, That such grapefruit grades at least U.S. No. 2 Russet and is not smaller than 3 5/16 inches in diameter. Sections 906.34 (assessments) and 906.45 (inspection and certification) shall not apply to the handling of bulk grapefruit.

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

Dated: June 10, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-16134 Filed 6-15-83; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 25

Amendment to the Timetable for the Publication of a Revised Access Authorization Fee Schedule

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to change the date of publication for the annual access authorization fee schedule from December to July. The Office of Personnel Management (OPM) sets the basic cost for the access authorization background investigations and notifies the NRC of adjustments for the cost on or about July 1. The change in publication date for the fee schedule will enable NRC to comply more promptly with OPM's revised cost adjustments.

EFFECTIVE DATE: June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Richard A. Dopp, Chief, Security Policy Branch, Division of Security, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 Telephone: (301) 427–4549.

SUPPLEMENTARY INFORMATION: The current § 25.17 indicates that access authorization fees will be published in December of each year and will be applicable to each access authorization request received during the following calendar year. The Office of Personnel Management (OPM) conducts the access authorization background investigation for the NRC under an interagency agreement and set the basic cost for such investigations. However, OPM notifies the NRC of adjustments to the cost of these investigations on or about July 1 of each year. In order to comply more promptly with the OPM cost adjustment timetable, the NRC is amending this section to establish July rather than December as the month when the annual revised access authorization fee schedule will be published. In order to implement this change, no revised fee schedule was published during December 1982, and the next revised fee schedule will be published in July 1983. Since this is a minor procedural amendment, the notice and comment procedures of the Administrative Procedure Act (5 U.S.C. 553) do not apply, and good cause exists for making the amendment effective upon publication in the Federal Register.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements were approved by the Office of Management and Budget approval number 3150–0046.

List Of Subjects in 10 CFR Part 25

Classified information, Penalty, Reporting and recordkeeping requirements, Security measures.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, the Independent Offices Appropriation Act of 1952 and Section 553 of Title 5 of the United States Code, the following amendment to Part 25 of Title 10, Chapter 1, Code of Federal Regulations is published as a document subject to codification.

PART 25—ACCESS AUTHORIZATION FOR LICENSEE PERSONNEL

1. The authority citation for Part 25 continues to read as follows:

Authority: Secs. 145, 161, 66 Stat. 942, 948, as amended (42 U.S.C. 2165, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); E.O. 10865, as amended, 3 CFR 1959–1963 COMP., p. 398, (50 U.S.C. 401, note); E.O. 12356, 47 FR 14874, April 6, 1982.

Appendix A also issued under Title V, Pub. L. 82–137, 65 Stat. 290 (31 U.S.C. 483a).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), §§ 25.13, 25.17(a), 25.33(b) and (c) are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 25.13 and 25.33(b) are also issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 201(o)).

2. In § 25.17, paragraph (e) is revised to read as follows:

§ 25.17 Approval for processing applicants for access authorization.

* * * * * * *

(e) Applications for access authorization processing must be accompanied by a check or money order, payable to the United States Nuclear Regulatory Commission, representing the current cost for the processing of each "Q" and "L" access authorization request. Access authorization fees will be published in July of each year and will be applicable to each access authorization request received upon or after the date of publication. Applications from individuals having current Federal access authorizations may be processed expeditiously at less cost, since the Commission may accept the certification of access authorization and investigative data from other Federal Government agencies which grant personnel access authorizations.

Dated at Bethesda, Maryland, this 6th day of June 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-16226 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 83-ASW-23; Amdt. 39-4657]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale (SNIAS), Models AS350B, AS350C, AS350D, and AS350D-1

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires modification of a wiring harness previously installed as part of Aerospatiale Helicopter Corporation's (AHC) Supplemental Type Certificate (STC) number SH4032SW on Societe Nationale Industrielle Aerospatiale (SNIAS) Model AS350B or STC SH2825SW on Societe Nationale Industrielle Aerospetiale (SNIAS)

Models AS350C, AS350D, and AS350D-1. The AD is needed to prevent failure of the emergency flotation system (i.e., failure of float bags to inflate). Failure of a bag to inflate could result in loss of the helicopter in the event of ditching.

EFFECTIVE DATE: June 16, 1983.

Compliance is required prior to any further overwater flight operation of the helicopter after the effective date of this AD (unless already accomplished in accordance with Aerospatiale Helicopter Corporation (AHC) Service Bulletin No. SB 350-18, dated April 4, 1983).

ADDRESSES: The applicable service bulletin may be obtained from Aerospatiale Helicopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75051, Attention: Customer Support.

A copy of the service bulletin is contained in the Rules Docket at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas 76106.

FOR FURTHER INFORMATION CONTACT: J. R. Bannister, Helicopter Certification Branch, ASW-170, Aircraft Certification Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, telephone number (817) 877-2590.

SUPPLEMENTARY INFORMATION: The FAA has determined that the electrical wires to the float actuation squibs have been installed without adequate chafing protection and thus could fail and prevent proper inflation of the emergency flotation system and subsequent loss of the helicopter should a water landing be required. Since this condition is likely to exist or develop on other helicopters of the same type design, an airworthiness directive is being issued which requires modification of the electrical harness for the float actuation. The modification must be accomplished on all SNIAS Models AS350B, AS350C, AS350D, and AS350D-1 helicopters equipped with emergency flotation kits (Air Cruiser P/N E16636-505), except for AHC kits delivered after April 4, 1983, installed in accordance with AHC's STC SH4032SW or SH2825SW. Approximately 110 helicopters have the kits installed with adequate protection of the wiring harness.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to all SNIAS Models AS350B, AS350C, AS350D, and AS350D-1 helicopters, certificated in all categories, that have Air Cruiser flotation kits, P/N E16636-505, installed in accordance with STC SH4032SW or SH2825SW, and delivered by AHC prior to April 4, 1983.

Compliance is required as indicated unless already accomplished in accordance with Aerospatiale Helicopter Corporation Service Bulletin No. SB 350-18, dated April 4, 1983.

To prevent possible failure of the Air Cruiser emergency flotation system, accomplish the following prior to further overwater flight.

(a) Reroute harness and add ¼ inch diameter heat shrink tubing to electrical harness in accordance with Figure 1.[1]

(b) Add ¾ inch diameter heat shrink tubing to encase both mechanical cable and electrical harness. Assure that ¾ inch tube overlaps ¼ inch shrink tubing as shown in Figure 1.

(c) Install four supporting clamps, P/N MS21919WDC2, on each float bottle valve assembly side plate (drill and fit per Figure 1).

(d) Install three clamps, P/N MS 21919WDC36, on each cross tube to support squib harness (reference Figure 2). Ground strap is to be clamped at the lowest point on cross tube that will allow float to be pivoted between operating and ground handling position.

(e) Inspect the harness installation and perform the electrical test described in Air Cruiser's Overhaul Manual, reference 25.60.93, page 706, or FAA approved equivalent.

(f) Materials necessary to complete the modification are listed below.

[1] Figures 1 and 2 are filed as a part of the original document only. They will not be published in the **Federal Register.**

Description	Part No.	Source	Quantity
Rivet	MS20470AD3-4	Standard hardware	4
Bracket	AN743-13	Standard hardware	2
Clamp	MS21919WDG2	Standard hardware	8
Clamp	MS21919WDG36	Standard hardware	6
Screw	NAS603-9P	Standard hardware	4
Washer	AN960-10L	Standard hardware	4
Nut	MS21044N3	Standard hardware	4
Heat shrink tubing	¾ inch	Raychem (Mouser Alt)	10 feet
Heat shrink tubing	¼ inch	Raychem (Mouser Alt)	3 feet

This amendment becomes effective June 13, 1983.

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

Note.—The FAA has determined that this regulation involves approximately 119 helicopters and the cost to each helicopter is approximately $165. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291, and (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption **"FOR FURTHER INFORMATION CONTACT."**

Issued in Fort Worth, Texas, on May 24, 1983.

C. R. Melugin, Jr.,

Director, Southwest Region.

[FR Doc. 83-15166 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 23660; Amdt. No. 1244]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight

operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Information Center (APA-430), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, D.C. 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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 97 of the Federal Aviation Regulations (14 CFR Part 97) prescribes new, amended, suspended, or revoked Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR Part 51, and § 97.20 of the Federal Aviation Regulations (FARs). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4 and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form document is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to Part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs is unnecessary, impracticable, or contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

List of Subjects in 14 CFR Part 97

Approaches, Standard instrument, Aviation safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 97 of the Federal Aviation Regulations (14 CFR Part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.m.t. on the dates specified, as follows:

1. By amending § 97.23 VOR-VOR/DME SIAPs identified as follows:

** * * Effective August 4, 1983*

La Verne, CA—Brackett Field, VOR/DME-B, Amdt. 1, cancelled
La Verne, CA—Brackett Field, VOR-A, Amdt. 4
Louisville, KY—Standiford Field, VOR or TACAN Rwy 29, Amdt. 16
Flint, MI—Bishop, VOR Rwy 18, Amdt. 16
Sherman-Denison, TX—Grayson County, VOR/DME-A, Amdt. 5
Wharton, TX—Wharton Muni, VOR/DME-A Amdt. 3

** * * Effective July 21, 1983*

Talladega, AL—Talladega Muni, VOR-A, Amdt. 6
Mena, AR—Intermountain Regional, VOR/DME-A, Amdt. 6
West Memphis, AR—West Memphis Muni, VOR/DME-A, Amdt. 4
Destin, FL—Destin-Ft. Walton Beach, VOR-A, Amdt. 4
Muscatine, IA—Muscatine Muni, VOR Rwy 5 Amdt. 2
Muscatine, IA—Muscatine Muni, VOR Rwy 23, Amdt. 2
Muscatine, IA—Muscatine Muni, VOR Rwy 30, Amdt. 2
Muscatine, IA—Muscatine Muni, VOR/DME Rwy 12, Amdt. 2
Auburn-Lewiston, ME—Auburn-Lewiston Muni, VOR/DME-A, Amdt. 1
Charlotte, MI—Fitch H. Beach, VOR Rwy 20, Amdt. 6
Carlsbad, NM—Cavern City Air Terminal, VOR Rwy 32L, Amdt. 4
Granbury, TX—Granbury Muni, VOR-A, Original, cancelled
Granbury, TX—Granbury Muni, VOR-B, Original,
Hawkins, TX—Holly Lake Ranch, VOR/DME-A, Amdt. 1
Logan, UT—Logan-Cache, VOR/DME Rwy 17, Orig, cancelled
Logan, UT—Logan-Cache, VOR-C, Amdt. 2, cancelled
Roosevelt, UT—Roosevelt Muni, VOR-A, Amdt. 2
Manassas, VA—Manassas Muni/Harry P. Davis Field, VOR-B, Amdt. 2

** * * Effective July 7, 1983*

Long Beach, CA—Long Beach/Daugherty Field, VOR or TACAN Rwy 30, Amdt. 5
New Haven, CT—Tweed-New Haven, VOR Rwy 2, Amdt. 19
New Haven, CT—Tweed-New Haven, VOR Rwy 20, Amdt. 4

** * * Effective May 31, 1983*

Pago Pago, American Samoa—Pago Pago Intl, VOR-D, Amdt. 4
Pago Pago, American Samoa—Pago Pago Intl, VOR/DME or TACAN-A, Amdt. 2
Pago Pago, American Samoa—Pago Pago Intl, VOR/DME or TACAN-B, Amdt. 2

2. By amending § 97.25 SDF-LOC-LDA SIAPs identified as follows:

** * * Effective August 4, 1983*

Salem, OR—McNary Fld, LOC BC Rwy 13, Amdt. 3
Salem, OR—McNary Fld, LOC/DME Rwy 31, Original

** * * Effective July 21, 1983*

Macon GA—Herbert Smart Downtown, LOC Rwy 9, Amdt. 2

** * * Effective July 7, 1983*

Cape Girardeau, MO—Cape Girardeau Muni, LOC/DME BC Rwy 28, Amdt. 3

** * * Effective May 26, 1983*

Brownsville, TX—Brownsville Intl, LOC BC Rwy 31L, Amdt. 8

** * * Effective May 24, 1983*

Greeneville, TN—Greeneville Muni, LOC Rwy 5, Amdt. 1

3. By amending § 97.27 NDB/ADF SIAPs identified as follows:

** * * Effective August 4, 1983*

Louisville, KY—Standiford Field, NDB Rwy 29, Amdt. 13
Salem, OR—McNary Fld, NDB Rwy 31, Amdt. 17
Sherman-Denison, TX—Grayson County, NDB Rwy 17L, Amdt. 4
Wharton, TX—Wharton Muni, NDB Rwy 32, Amdt. 1
Wharton, TX—Wharton Muni, NDB Rwy 14, Amdt. 1

** * * Effective July 21, 1983*

Mena, AR—Intermountain Regional, NDB-B, Amdt. 4
West Memphis, AR—West Memphis Muni, NDB Rwy 17, Amdt. 8
West Memphis, AR—West Memphis Muni, NDB-B, Amdt. 1
Muscatine, IA—Muscatine Muni, NDB Rwy 5, Amdt. 8
Auburn-Lewiston, ME—Auburn-Lewiston Muni, NDB Rwy 4, Amdt. 4
Jackson, MS—Hawkins Field, NDB Rwy 16, Amdt. 2
Beaufort, NC—Beaufort-Morehead City, NDB Rwy 14, Amdt. 3
Palestine, TX—Palestine Muni, NDB-A, Amdt. 2, cancelled
Palestine, TX—Palestine Muni, NDB Rwy 17, Original
Palestine, TX—Palestine Muni, NDB Rwy 35, Amdt. 4
San Marcos, TX—San Marcos Muni, NDB Rwy 12, Original
Victoria, TX—Victoria Regional, NDB Rwy 12L, Original
Manassas, VA—Manassas Muni/Harry P. Davis Field, NDB-A, Amdt. 6

** * * Effective July 7, 1983*

Long Beach, CA—Long Beach/Daugherty Field, NDB Rwy 30, Amdt. 7
Tupelo, MS—C. D. Lemons Muni, NDB Rwy 36, Original
Cape Girardeau, MO—Cape Girardeau Muni, NDB Rwy 10, Amdt. 6
Bremerton, WA—Bremerton National, NDB Rwy 1, Amdt. 12

** * * Effective May 31, 1983*

Pago Pago, American Samoa—Pago Pago Intl, NDB-C, Amdt. 4

** * * Effective May 26, 1983*

Miami, FL—Tamiami, NDB Rwy 9R, Amdt. 5

4. By amending § 97.29 ILS-MLS SIAPs identified as follows:

** * * Effective August 4, 1983*

Louisville, KY—Standiford Field, ILS Rwy 19, Amdt. 4
Louisville, KY—Standiford Field, ILS Rwy 29, Amdt. 14
Salem, OR—McNary Fld, ILS Rwy 31, Amdt. 25

** * * Effective July 21, 1983*

Auburn-Lewiston, ME—Auburn-Lewiston Muni, ILS Rwy 4, Amdt. 2
Jackson, MS—Hawkins Field, ILS Rwy 18, Amdt. 1
Manassas, VA—Manassas Muni/Harry P. Davis Field, ILS Rwy 16L, Original

** * * Effective July 7, 1983*

Long Beach, CA—Long Beach/Daugherty Field, ILS Rwy 30, Amdt. 30
New Haven, CT—Tweed-New Haven, ILS Rwy 2, Amdt. 12
Tupelo, MS—C. D. Lemons Muni, ILS Rwy 36, Original
Cape Girardeau, MO—Cape Girardeau Muni, ILS Rwy 10, Amdt. 7
Bremerton, WA—Bremerton National, ILS Rwy 19, Amdt. 9

** * * Effective June 1, 1983*

Williamsport, PA—Williamsport-Lycoming County, ILS Rwy 27, Amdt. 14

** * * Effective May 31, 1983*

Pago Pago, American Samoa—Pago Pago Intl, ILS/DME Rwy 5, Amdt. 10

** * * Effective May 26, 1983*

Miami, FL—Tamiami, ILS Rwy 9R, Amdt. 3

5. By amending § 97.31 RADAR SIAPs identified as follows:

** * * Effective August 4, 1983*

Louisville, KY—Standiford Field, RADAR-1, Amdt. 20

** * * Effective July 21, 1983*

Augusta, GA—Bush Field, RADAR-1, Amdt. 6
North Kingston, RI—Quonset State, RADAR-1, Amdt. 2

6. By amending § 97.33 RNAV SIAPs identified as follows:

** * * Effective August 4, 1983*

Sherman-Denison, TX—Grayson County, RNAV Rwy 35R, Amdt. 1

** * * Effective July 21, 1983*

Carlsbad, NM—Cavern City Air Terminal, RNAV Rwy 14R, Amdt. 1
Manassas, VA—Manassas Muni/Harry P. Davis Field, RNAV Rwy 16R, Amdt. 6

(Secs. 307, 313(a), 601, and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1354(a) 1421, 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.

Note.—The incorporation by reference in the preceding document was approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

Issued in Washington, D.C. on June 10, 1983.

John M. Howard,

Manager, Aircraft Programs Division.

[FR Doc. 83-16027 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 146

[T.D. 83-139]

Customs Regulations Amendments Relating to the Transfer of Merchandise From a Foreign-Trade Zone to a Customs Bonded Warehouse

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to permit the transfer of zone-restricted merchandise from a foreign-trade zone to a Customs bonded warehouse pending exportation, without obtaining approval of the Foreign-Trade Zones Board, Department of Commerce. This change is being made because elimination of this unnecessary requirement will expedite the transfer process.

EFFECTIVE DATE: July 18, 1983.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: William D. Lawlor, Carriers, Drawback and Bonds Division (202-566-5856); Operational Aspects: John R. Holl, Office of Cargo Enforcement and Facilitation (202-566-8151); U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

SUPPLEMENTARY INFORMATION:

Background

Foreign-trade zones (zones) are areas within the United States (but outside of the "Customs territory" of the United States, as defined in § 146.1, Customs Regulations (19 CFR 146.1)), where foreign or domestic merchandise may be brought for manipulation, manufacture, assembly, or other processing, or for

storage or exhibition, provided that these operations are not otherwise prohibited by law. Foreign merchandise may be brought into a zone without being subject to the usual Customs entry procedures and payment of duty. Foreign or domestic merchandise may be exported or entered into the Customs territory from a zone.

Zones are established under the Foreign-Trade Zone Act of 1934, as amended (19 U.S.C. 81a–81u), and the general regulations and rules of procedure of the Foreign-Trade Zones Board (the Board), Department of Commerce (15 CFR Part 400). Part 146, Customs Regulations (19 CFR Part 146), governs the admission of merchandise into a zone; the manipulation, manufacture, or exhibition in a zone; the exportation of merchandise from a zone; and the transfer of merchandise from a zone into the Customs territory.

Articles taken into a zone from the Customs territory for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and fermented malt liquors), or storage are given "zone-restricted" status upon proper application. (Certain shipments of zone-restricted merchandise which have been placed in a zone to obtain the benefit of drawback or cancellation of a temporary importation bond are subject to footnote 3 of § 22.2, Customs Regulations (19 CFR 22.2) and T.D. 55819(11).)

Upon receiving zone-restricted status, merchandise is considered exported and may be returned to the Customs territory for domestic consumption only after the Board has determined that the transfer is in the public interest.

Because obtaining Board approval may be a time-consuming process and may result in lost sales to merchants who wish to transfer zone-restricted merchandise to a Customs bonded warehouse pending exportation, the question has arisen whether zone-restricted merchandise may be transferred to a Customs bonded warehouse pending exportation, without Board approval. While 19 U.S.C. 81c prohibits the return of merchandise to Customs territory from a zone for domestic consumption without Board approval, it does not prohibit the return of merchandise to Customs territory for warehousing prior to exportation. It is noted that section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), provides, in part, that the total period of time that merchandise may remain in a bonded warehouse shall not exceed five years from the date of importation.

Customs published a notice in the **Federal Register** on August 27, 1982 (47 FR 37927), proposing to amend § 146.47, Customs Regulations (19 CFR 146.47), to permit the transfer of zone-restricted merchandise from a zone to a Customs bonded warehouse pending exportation, without obtaining approval of the Board.

Discussion of Comments

Two of the three comments received in response to the notice support the change.

The third commenter opposes the change. He contends: (1) that there is no need to remove merchandise from a zone prior to actual exportation since an immediate export or a transportation and exportation movement can be arranged to take the merchandise directly from the zone to the exporting carrier without the involvement of the Board; (2) that the change creates a means of circumventing the prohibition against retail trade in a zone by allowing the merchandise to move from a zone to a warehouse, and eventually to a duty-free shop; and (3) that the change can only enhance the possibility that Customs may lose complete control of zone-restricted merchandise, in view of an historic control problem with warehouse entries and immediate export and transportation for exportation bonded movements, and in view of the new warehouse procedures.

As the commenter notes, an immediate export or a transportation and exportation movement can be arranged without approval of the Board. However, commercial realities sometimes require the movement of zone-restricted merchandise to the port of exportation before there is a firm commitment with an exporting carrier. The amendment will simply permit such merchandise to be held in a bonded warehouse pending exportation. Approval of the Board will still be necessary where the goods are to be entered into the Customs territory for consumption or into a warehouse for any purpose other than exportation.

With respect to the commenter's second contention, Customs notes that there is no prohibition against retail trade in a Customs bonded warehouse operated as a duty-free shop. Merchandise sold from a duty-free shop is for export, and not for domestic consumption. Retail trade in a duty-free shop is not in derogation of the Foreign-Trade Zones Act of 1934 or the Customs Regulations.

Customs believes that the new warehouse audit/inspection approach provided for by T.D. 82–204 (see **Federal Register** of November 1, 1982 (47 FR 49355)), provides for adequate control over merchandise in warehouses, including zone-restricted merchandise transferred to warehouses. Pursuant to § 146.47(e)(4), Customs will maintain "paper control" over zone-restricted merchandise.

After analysis of the comments and further review of this matter, the proposal to amend section 146.47 is adopted. Language has been added to proposed section 146.47(e)(4) to provide that zone-restricted merchandise transferred from a zone to a Customs bonded warehouse may not be manipulated, except packing or unpacking incidental to exportation. Further, pursuant to 19 U.S.C. 1557, the total period of time that merchandise may remain in a Customs bonded warehouse may not exceed five years from the date of importation.

List of Subjects in 19 CFR Part 146

Customs duties and inspection, Exports, Imports, Foreign-trade zones.

Amendments to the Regulations

Part 146, Customs Regulations (19 CFR Part 146), is amended as set forth below.

PART 146—FOREIGN-TRADE ZONES

1. Section 146.47(a) is revised to read as follows:

§ 146.47 Transfer of zone-restricted merchandise into Customs territory.

(a) *Types of entry.* If the return of zone-restricted merchandise to Customs territory for domestic consumption has been ruled by the Board to be in the public interest, it may be entered for consumption, for warehousing, or for immediate transportation without appraisement, unless the Board has specified which of these forms of entry shall be made. Otherwise, zone-restricted merchandise may be returned to Customs territory only for entry for exportation, for Customs bonded warehousing at the same or a different port prior to exportation, for entry for transportation and exportation, for destruction (except destruction of distilled spirits, wines, and fermented malt liquors), for transfer from one zone to another, or for delivery to a qualified vessel or aircraft or as ground equipment of a qualified aircraft under sections 309 or 317 of the Tariff Act of 1930, as amended.

* * * * *

2. Section 146.47 is further amended by adding a new paragraph (e)(4) to read as follows:

* * * * *

(e) * * *

(4) Zone-restricted merchandise may

be transferred from a foreign-trade zone to a Customs bonded warehouse for storage pending exportation. The warehouse entry, Customs Form 7502, shall be endorsed by the district director to show that the merchandise may not be withdrawn for consumption. In the case of zone-restricted merchandise transported in bond to another port for warehousing and exportation, Customs Form 7512 shall be endorsed by the district director to show that the merchandise is foreign-trade zone merchandise in zone-restricted status, which shall be entered for warehouse, with proper endorsement on Customs Form 7502, and which may not be withdrawn for consumption. Zone-restricted merchandise transferred from a foreign-trade zone to a Customs bonded warehouse may not be manipulated, except packing or unpacking incidental to exportation. Pursuant to section 557, Tariff Act of 1930, as amended (19 U.S.C. 1557), any merchandise placed in a Customs bonded warehouse may not remain in the warehouse after five years from the date of importation and no merchandise may be placed in a Customs bonded warehouse after five years from the date of importation.

(R.S. 251, as amended; section 1, 48 Stat. 998, *et seq.*, as amended; section 624, 46 Stat. 759 (19 U.S.C 66, 81a–81u, 1624)).

Regulatory Flexibility Act

Pursuant to section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)), it is certified that the regulations set forth in the document will not have a significant economic impact on a substantial number of small entities.

Executive Order 12291

Because this document does not meet the criteria for a "major rule" as defined in section 1(b) of E.O. 12291, a regulatory impact analysis as prescribed by section 3 of the E.O. is not required.

Drafting Information

The principal author of this document was Gerard J. O'Brien, Jr., Regulations Control Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Alfred R. De Angelus,

Acting Commissioner of Customs.

Approved: May 26, 1983.

John M. Walker, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 83-16171 Filed 6-15-83; 8:45 am]

BILLING CODE 4820-02-M

19 CFR Part 177

[T.D. 83-116]

Tariff Classification of Footwear; Correction

AGENCY: Customs Service, Treasury.

ACTION: Correction.

SUMMARY: This document corrects an error in a document published in the **Federal Register** on Monday, May 23, 1983 (48 FR 22904), relating to the tariff classification of imported footwear.

FOR FURTHER INFORMATION CONTACT: Jesse V. Vitello, Regulations Control Branch, U.S. Customs Service (202-566-8237).

Background

In FR Doc. 83-13803, appearing at page 22911, in the issue of May 23, 1983, the word "upper" was inadvertently included in the first line of item 4 under the sub-heading "Characteristics of a Foxing-like Band". This line should read as follows:

4. A foxing-like band must be applied or molded at the sole and must overlap the upper.

Dated: June 10, 1983.

B. James Fritz,

Director, Regulations Control & Disclosure Law Division.

[FR Doc. 83-16172 Filed 6-15-83; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

[Reg. No. 16]

Supplemental Security Income for the Aged, Blind, and Disabled; Phaseout of Hold-Harmless Protection

AGENCY: Social Security Administration, HHS.

ACTION: Final rule.

SUMMARY: These rules revise current regulations to implement section 184 of Pub. L. 97-248 (Tax Equity and Fiscal Responsibility Act of 1982) and continuing budget resolutions for fiscal year 1982 (Pub. L. 97-51, 97-85, 97-92, and 97-161) which provide for the phase-out of Federal hold-harmless payments which are payable to States under certain conditions toward the cost of federally administered State supplementary payments under the Supplemental Security Income Program (SSI) for the Aged, Blind, and Disabled. The law and thus the rules provide that for fiscal year 1982, these Federal payments were reduced to 60 percent of what they otherwise would have been. For fiscal year 1983, these Federal payments will be reduced to 40 percent of what they otherwise would be. For fiscal year 1984, they will be reduced to 20 percent. The Federal payments will be completely discontinued for fiscal years after fiscal year 1984. Since Hawaii and Wisconsin are the only States which continue to receive Federal contributions toward the cost of their supplementation programs, the phase-out of these payments will affect only these two States.

DATES: These regulations are effective June 16, 1983. The statutory amendments upon which the regulations are based became effective beginning on October 1, 1981. We will consider any comments received by August 15, 1983, and will revise these regulations if public comment warrants it.

ADDRESSES: Comments should be submitted in writing to the Commissioner of Social Security, Department of Health and Human Services, P.O. Box 1585, Baltimore, Maryland 21203, or delivered to the Office of Regulations, Social Security Adminstration, 3-B-4 Operations Building, 6401 Security Boulevard, Baltimore, Maryland 21235, between 8:00 a.m. and 4:30 p.m. on regular business days. Comments received may be inspected during these same hours by making arrangements with the contact person shown below.

FOR FURTHER INFORMATION CONTACT: Irving Darrow Esq., Legal Assistant, 3-B-3 Operations Building, 6401 Security Boulevard, Baltimore, Maryland, 21235; (301) 597-3409.

SUPPLEMENTARY INFORMATION: The hold-harmless provision was included in the legislation establishing the SSI program (Pub. L. 92-603) as an inducement to States which had payment levels in the pre-SSI assistance programs for the aged, blind, and disabled that were higher than the new Federal SSI benefit levels, to supplement Federal SSI benefits. Under the hold-harmless provisions as originally enacted, State liability for the cost of supplementing SSI benefits was limited to the amount spent by the State for assistance on behalf of aged, blind, and disabled people in calendar year 1972. Under certain conditions, costs for such supplementation which were above this amount were borne by the Federal government. The added cost against which States were protected related to increased numbers of people made

eligible for SSI and, thus, for State supplementary payments, by demographic changes or SSI eligibility provisions.

The hold-harmless provision was intended to be transitional with Federal contributions toward federally administered State supplementary payments phasing out as Federal SSI benefits increased. However, two of six States originally eligible to receive hold-harmless funds continue to receive Federal contributions toward the costs of their supplementary payments. Hawaii and Wisconsin continue to benefit from the hold-harmless provision of primary because of a 1976 change in the law (section 2(b) of Pub. L. 94-585) which provided that hold-harmless payments would no longer be reduced by the effect of cost of-living increases in Federal SSI benefits. The provisions of the continuing resolutions for fiscal year 1982 and section 184 of Pub. L. 97-248 ensure that hold-harmless funding will also phase out for Hawaii and Wisconsin.

Final Rule

Generally, it is the Department's policy to use notice and comment procedures in the development of rules. However, under the Administrative Procedure Act (5 U.S.C. 553(b)(B)), an agency for good cause may issue rules without using notice and public comment procedures. One such situation arises, as in this case, when the statute is so explicit that there is no room for policy formulation. Accordingly, we find that publication of a notice of proposed rulemaking is "unnecessary" because the statutory provision upon which the regulations are based allows for no discretion. Therefore, these rules are being issued as final rules.

Regulatory Procedures

Executive Order No. 12291—The phase out of hold-harmless payments is expected to result in Federal Savings of $13.2 million for fiscal year 1982, $17.4 million for fiscal year 1983, $20 million for fiscal year 1984, and $23 million for fiscal year 1985. Since these regulations do not "result in" a cost impact of $100 million or more or otherwise meet the criteria for a major regulation, a regulatory impact analysis is not required.

Regulatory Flexibility Act—We certify that these regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities because they affect only two States. Therefore, a regulatory flexibility analysis as provided for in Pub. L. 96-354, the Regulatory Flexibility Act, is not required.

Paperwork Reduction Act of 1980—These regulations impose no additional reporting and recordkeeping requirement requiring Office of Management and Budget clearance.

(Catalog of Federal Domestic Assistance program No. 13.807, Supplemental Security Income Program)

List of Subjects in 20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disabled, Public assistance programs, Supplemental security income (SSI).

Dated: March 23, 1983.

John A. Svahn,

Commissioner of Social Security.

Approved: May 19, 1983.

Margaret M. Heckler,

Secretary of Health and Human Services.

PART 416—[AMENDED]

Part 416 of Title 20 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Subpart T of Part 416 reads as follows:

Authority: Secs. 1102, 1601, 1616, 1631, and 1634, Social Security Act, as amended, sec. 401 of Pub. L. 92-603 as amended, sec. 212 of Pub. L. 93-66, sec. 8 of Pub. L. 93-233, secs. 1 and 2 of Pub. L. 93-335, 49 Stat. 647, as amended, 86 Stat. 1465, 1474, 1475, 1478, and 1485, 87 Stat. 155 and 956, 88 Stat. 291; 42 U.S.C. 1302, 1381, 1382e, 1383, 1383c, 1382e nts, 1382 nt (7 U.S.C. 2012 nts) Pub. L. 97-51, 97-85, 97-92, and 97-161.

2. In § 416.2080, paragraph (a) is revised to read as follows:

§ 416.2080 Limitation of fiscal liability of States.

(a) *Fiscal limits.* (1) *Fiscal years before fiscal year 1982.* For each fiscal year before fiscal 1982, the amount payable to the Secretary by a State for the amount of the supplementary payments described in paragraph (c) of this section which are made on its behalf pursuant to the administration agreement with the Secretary as described in § 416.2005 shall not exceed the total amount of the State's calendar year 1972 non-Federal share of expenditures as aid or assistance under the State plan(s) approved under title I, X, XIV, or XVI of the Act, as set forth in § 416.2082.

(2) *Fiscal years after fiscal year 1981.* For each fiscal year after fiscal year 1981, the amount payable to the Secretary by a State for the amount of the supplementary payments described in paragraph (c) of this section which are made on its behalf pursuant to the administration agreement with the Secretary as described in § 416.2005 shall not exceed the total amount of the State's calendar year 1972 non-Federal share of expenditures as aid or assistance under the State plan(s) approved under title I, X, XIV, or XVI of the Act, as set forth in § 416.2082. *Except that:* If the total amount of the supplementary payments described in paragraph (c) (protected payments) exceeds the total amount of the State's calendar year 1972 non-Federal share of expenditures as set forth in § 416.2082, for any fiscal year after fiscal year 1981, additional amounts shall be payable to the Secretary by the State as follows:

(i) For fiscal year 1982, 40 percent of the amount of the total protected payments that exceeds the State's calendar year 1972 non-federal share of expenditures;

(ii) For fiscal year 1983, 60 percent of the amount of the total protected payments that exceeds the State's calendar year 1972 non-federal share of expenditures;

(iii) For fiscal year 1984, 80 percent of the amount of the total protected payments that exceeds the State's calendar year 1972 non-federal share of expenditures; and

(iv) For fiscal years after fiscal year 1984, 100 percent of the amount of total protected payments that exceeds the State's calendar year 1972 non-federal share of expenditures.

* * * * *

[FR Doc. 83-16143 Filed 6-15-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 625

Design Standards for Highways; Resurfacing, Restoration, and Rehabilitation of Streets and Highways Other Than Freeways

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rule-related notice.

SUMMARY: This notice provides information and advises interested persons of the steps FHWA has taken to effectuate section 110(a) of the Surface Transportation Assistance Act of 1982 and the implementing regulation issued March 31, 1983 regarding the FHWA policy and procedure applicable to resurfacing, restoration, and rehabilitation (RRR) projects on federally financed highways other than freeways.

FOR FURTHER INFORMATION CONTACT: David K. Phillips, Director, Office of Engineering (202) 426-4853, or Lee J. Burstyn, Office of the Chief counsel (202) 426-0800, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C., 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 110(a) of the Surface Transportation Assistance Act of 1982, Pub. L. 97-424, 96 Stat. 2105 (January 6, 1983), 23 U.S.C. 109(o), added to the Federal-Aid Highway Act a statement of Congressional intent that "any project for resurfacing, restorating, or rehabilitating any highway, other than a highway access to which is fully controlled, in which Federal Funds participate shall be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety."

To implement 23 U.S.C. 109(o), FHWA amended its nonfreeway RRR regulation. 48 FR 13410 (March 31, 1983). The amendment adds to the definition of RRR work at 23 CFR 625.2(b), the requirement that it be undertaken to enhance safety:

> The RRR work is defined as work undertaken to extend the service life of an existing highway and enhance highway safety.

The regulation implementing section 109(o) has the effect of superseding certain features of the prior regulation (47 FR 25268, June 10, 1982) and its accompanying preamble which may be construed as indicating that FHWA does not consider highway safety a primary objective of RRR projects. The FHWA does consider the enhancement of highway safety as a primary objective of RRR projects.

The FHWA has revised the Technical Advisory 5040.19 [1] issued July 16, 1982 as management guide to assure that certain design-related factors which enhance safety and preserve and extend service life are considered in the States' development of geometric design criteria for nonfreeway RRR projects. These revisions, as incorporated in a new Technical Advisory, T 5040.21, issued April 4, 1983, ensure its consistency with 23 U.S.C. 109(o) and the amended regulation.

On April 8, 1983, the FHWA took the added measure of instructing its field offices that all state procedures and separate geometric design criteria for nonfreeway RRR projects approved in the future shall be consistent with new section 109(o), the RRR regulation as amended on March 31, 1983, and the revised Technical Advisory.

Finally, the FHWA has instructed that all separate geometric design criteria and procedures submitted by the States for nonfreeway RRR projects approved prior to the issuance of the March 31 amendment and the revised Technical Advisory, including those approved under Certification Acceptance or Secondary Road Plan Procedures, be re-evaluated to assure that they are consistent with the intent of Congress that such RRR projects be constructed in accordance with standards to preserve and extend the service life of highways and enhance highway safety.

Issued on: June 9, 1983.

L. P. Lamm,

Deputy Administrator, Federal Highway Administration.

[FR Doc. 83-15929 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-22-M

[1] Available for inspection and copying as prescribed in 49 CFR Part 7, Appendix D.

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 823

Individuals and Organizations

AGENCY: Department of the Air Force, Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending its regulations by removing Part 823 Individuals and Organizations, of Chapter VII, Title 32. The source document, Air Force Regulation (AFR) 145-15, Air Force Commissary Store Regulation, has been revised. It is intended for internal guidance and has no applicability to the general public. This action is a result of departmental review in an effort to insure that only regulations which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Odom, Headquarters Air Force Commissary Service (HQ AFCOMS/DOS), Kelly AFB, TX 78241, telephone (512) 925-6414.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 823

Armed Forces Reserves, Federal buildings and facilities, Military personnel, Veterans.

PART 823—[REMOVED]

Accordingly, 32 CFR is amended by removing Part 823.

(10 U.S.C. 8012)

Winnibel F. Holmes,

Air Force Federal Register Liaison Officer.

[FR Doc. 83-16135 Filed 6-15-83; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CDG 09-83-09]

Special Local Regulations; International Freedom Festival Fireworks; Detroit, Michigan

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the International Freedom Festival Fireworks. This event will be held on the Detroit River on 30 June 1983. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: These regulations become effective and terminate on 30 June 1983.

FOR FURTHER INFORMATION CONTACT: MSTC Bruce Graham, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A notice of proposed rule making has not been published for these regulations. Following normal rule making procedures is unnecessary as per 5 U.S.C. 553(b)(3)(B). This has been an annual event for many years and no negative comments have been received concerning the holding of the event in the past.

Drafting Information

The drafters of this regulation are MSTC Bruce Graham, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The International Freedom Festival Fireworks Display will be conducted on the Detroit River on 30 June 1983. An unusually large concentration of spectator boats could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol

Commander (U.S. Coast Guard Group Detroit, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navagation (water).

Regulations

PART 100—[AMENDED]

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended by adding a temporary § 100.35–0909 to read as follows:

§ 100.35–0909 Special Local Regulations

(a) *Regulated Area.*—(1) The following area will be closed to vessel navigation or anchorage for vessels of 65 feet in length or greater from 9:00 p.m. (local time) until 11:15 p.m. on 30 June 1983: The U.S. waters of the Detroit River between the Ambassador Bridge and the downstream end of Belle Isle. (2) The following portion of the Detroit River will be closed to all vessel traffic, from 9:00 p.m. (local time) until 11:15 p.m. on 30 June 1983: The area bound on the south by the International Boundary, on the west by 083 degrees 03 minutes West, on east by 083 degrees 02 minutes West, and the north by the U.S. shoreline.

(b) *Special Local Regulations.*—(1) Vessels under 65 feet shall begin clearing the shipping channels at 10:45 p.m. local or when the fireworks display ends, whichever comes first.

(2) Fireworks barges will be moved to positions in the Detroit River after 5:00 p.m. on 30 June 1983, and will be removed immediately after the fireworks display. The barges will be located within 950 feet of the U.S. riverbank opposite each of the following landmarks: Cobo Hall, Veterans Memorial Bldg., and the Ford Auditorium. Vessel masters shall pass with caution. Each barge will be marked in accordance with rule 30 of the Inland Rules of the road for a vessel at anchor, and a fixed white light on each corner of the barges will be shown at night and an orange buoy with horizontal white bands will mark each special mooring.

(3) If the weather on 30 June 1983 is inclement, the fireworks display and the river closure will be postponed until 9:00 p.m. to 11:15 p.m. on 01 July 1983. If postponed, notice will be given on 30 June 1983 over the U.S. Coast Guard Radio Net.

(4) Vessels desiring to transit the restricted area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. These rules shall not apply to participants in the event or vessels of the patrol, in the performance of the their assigned duties.

(5) A succession of sharp, short signals by whistle or horn from vessels patrolling the areas under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels signaled shall stop and shall comply with the orders of the Patrol Vessel; failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(46 U.S.C. 454; 49 U.S.C. 1655(b); 49 CFR 1.46(b); and 33 CFR 100.35)

Dated: May 27, 1983.

Henry H. Bell,

U.S. Coast Guard.

[FR Doc. 83–16169 Filed 6–15–83; 8:45 am]

BILLING CODE 4910–14–M

GENERAL SERVICES ADMINISTRATION

Federal Supply and Services

41 CFR Ch. 101

[FPMR Temp. Reg. E–79, Supp. 1]

Supply and Procurement; Adjustments

AGENCY: Office of Federal Supply and Services, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to April 30, 1984, the expiration date of FPMR Temporary Regulation E–79 (47 FR 20589, May 5, 1982) which raised the minimum line item dollar values required for shipping-type discrepancies in GSA or DOD shipments to $50 for reporting and $100 for billing adjustments. This change was necessary because the costs associated with processing discrepancies had increased significantly.

DATES: Effective date: April 23, 1983. Expiration date: April 30, 1984.

FOR FURTHER INFORMATION CONTACT: Mr. James W. Jeremiah, Director, Requisition Management Division (703–557–7580).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual affect on the economy of $100 million or more; or major increases in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

CHAPTER 101—[AMENDED]

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E:

Note.—The text to Supplement 1 to FPMR Temporary Regulation E–79 is filed with the original document, and its text does not appear in this volume.

[Federal Property Management Regulation Temporary Regulation E–79; Supplement 1]

May 20, 1983.

To: Heads of Federal agencies.

Subject: Adjustments.

1. *Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation E–79.

2. *Effective date.* This regulation is effective on April 23, 1983.

3. *Expiration date.* This supplement expires on April 30, 1984.

4. *Explanation of change.* The expiration date in paragraph 3 of FPMR Temporary Regulation E–79 is revised to April 30, 1984.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 83–15952 Filed 6–15–83; 8:45 am]

BILLING CODE 6820–AM–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[Gen. Docket No. 80–739; FCC 83–272]

Frequency Allocation and Radio Treaty Matters; General Rules and Regulations; Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: The Federal Communications Commission amends Part 2 of its Rules to implement domestically the Final Acts of the 1979 World Administrative Radio Conference with regard to the 11.7–12.2 GHz band. This action brings the Commission's Rules into conformity with international regulations. This provides domestic radio spectrum users with international recognition and rights

to protection from harmful interference as provided by international regulations.

EFFECTIVE DATE: July 18, 1983.

ADDRESS: Federal Communications Commission, 2025 M Street, NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Thomas/Mr. William Torak, Office of Science and Technology, 2025 M Street, NW., Washington, D.C. 20554, (202) 653-8171/(202) 632-7025.

List of Subjects in 47 CFR Part 2

Frequency allocations, Treaties.

First Report and Order

In the matter of amendment of Part 2 of the Commission's Rules Regarding Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979, General Docket 80-739.

Adopted: June 2, 1983.

Released: June 10, 1983.

By the Commission: Commissioner Fogarty not participating; Commissioner Rivera concurring in the result.

Purpose

1. The purpose of this proceeding is to implement into Part 2 of the Commission's Rules and Regulations the Final Acts of the 1979 World Administrative Radio Conference. This First Report and Order will be limited to addressing the issues affecting only the 11.7-12.2 GHz band. Of particular interest in this band is the issue of domestic adoption of international footnote 836, which would allow transponders on space stations in the fixed-satellite service (FSS) to be used for broadcasting-satellite service (BSS) operations. This issue of BSS use of FSS satellites was originally raised by the Commission in its Order, *GTE Satellite Corporation*, 90 FCC 2d 1009 (1982), where the Commission authorized GSAT, pursuant to Section 214 of the Act, to acquire transponders for the provision of video service to single unit dwellings in addition to more conventional FSS terminals serving cable television systems, broadcast stations, hotels, etc. The Commission further decided that the domestic adoption of footnote 836 should be fully addressed in the instant proceeding. Accordingly the issue was raised in the Notice of Proposed Rule Making (NPRM), FCC 82-508, released December 30, 1982, of this proceeding. We believe that, due to the great interest and response to the NPRM regarding this issue by the public and due to the ongoing public concern regarding the GTE Order, it would be in the public interest to resolve this issue without delay. Additionally, we will address the issue of adopting footnote NG143, which would permit international FSS operations in this band, and the issue of a secondary mobile-satellite allocation in this band. The remainder of the issues addressed in the NPRM will be dealt with in future Report and Orders in this proceeding.

Discussion

2. Those who filed comments and reply comments to the issues raised in the NPRM regarding the 11.7-12.2 GHz band are listed in Appendix A.

International Footnote 836

3. Comments regarding footnote 836 were filed by SPSC, STC, USCI and USSB and reply comments were filed by DBSC, GSAT, MOBILSAT, RCA, STC, SPSC, USCI and USSB.

4. In their comments both SPSC and USCI supported the footnote and urged the Commission to adopt it domestically, as they claim that it provides flexibility. However, both STC and USSB in their comments were opposed to the footnote and requested that it be suppressed. STC and USSB argued that permitting BSS/FSS sharing in this band would go against the long standing policy of the Commission of providing separate allocations for BSS and FSS operations. They noted that this point was vigorously debated and thoroughly aired in the 1979 WARC preparatory proceeding. They also argued that allowing BSS/FSS sharing would be poor spectrum management and that the consumer of DBS services would lose because he would not be able to view all available DBS programming with one set of receiving equipment. Further, STC and USSB claimed that it may be impossible for the Commission to carry out its intentions of not compromising on its proposed 2° spacing policy. They argued that spacing greater than 2° would require more cumbersome and complex spectrum management and would reduce the number of FSS satellites that could be accommodated. STC, supported by its Technical Appendix, went on to argue that BSS operations would be subject to interference levels substantially higher than acceptable under established standards if co-channel adjacent fixed-satellite operations (2° away) were transmitting typical FM/TV programming. STC also argued that BSS operations would produce interference to co-channel adjacent (i.e. 2° away) FSS operations if the FSS operator was providing single-channel-per-carrier (SCPC) service. The interference levels in this case would be much higher than the international standards for such service. STC went on to note that these interference assessments assumed a homogeneous satellite environment and clear-sky conditions. However, STC claimed these conditions will probably not exist in a real environment and the interference levels will probably be worse. Further, STC claimed that permitting FSS/BSS sharing in this band would jeopardize the validity and integrity of the U.S. position to the RARC-83 because it would put in question both the need to divide the FSS and BSS allocations at 12.2 GHz and the need for a full 500 MHz allocation for BSS.

5. In reply comments, DBSC, STC and USSB supported and reinforced the comments of STC and USSB and requested that the footnote not be adopted. MOBILSAT in its reply comments also requested the footnote not be adopted. It shared the concern raised by STC regarding interference to SCPC operations and claimed the problem would be exacerbated by allowing effective isotropic radiated powers (e.i.r.p.'s) up to 53dBW.

6. In their reply comments GSAT, RCA, SPSC and USCI rejected the claims made by STC and USSB. Both GSAT and USCI argued that technology has changed since the formulation of the U.S. positions for the 1979 WARC and that it is now possible to provide a relatively inexpensive high quality direct-to-home service with medium-powered FSS facilities. They argued that no change is necessary to the adopted 2° satellite spacing in our *Report and Order* adopted April 27, 1983 in Docket No. 81-704, FCC 83-184, or to the 53dBW per channel power limit of the footnote in order to accommodate direct-to-home service in the FSS band. Further, they argued, STC's Technical Appendix, filed with STC's comments, was incomplete, full of mathematical errors, and based on invalid assumptions of a highly unlikely worst-case scenario. In response, USCI submitted its own Technical Appendix performed by Stern Telecommunications Corporation. USCI claimed that the study demonstrates that interference to and from adjacent FSS satellites, at 2° satellite spacing and under the parameters and limitations of footnote 836, would be well within acceptable limits and that the conclusions of the STC study are wrong. GSAT also argued, with regard to STC claims of video interference to SCPC signals, that FSS operators currently provide video service for a number of other users and that the potential for interference to SCPC signals from adjacent video operations will exist regardless of whether the video signals are for direct-to-home distribution or some other purpose. Both GSAT and

USCI rejected the STC and USSB assumption that adjacent satellite operators will make no prior effort to coordinate their frequency use. They argued that careful coordination between adjacent users is essential for realistic business planning regardless of whether or not footnote 836 is adopted. GSAT further argued that adoption of footnote 836 would provide a clear opportunity for direct-to-home video program providers to make and implement rational economic trade-offs in a "free market" environment.

7. We have reviewed the technical appendices filed by STC in its comments and by USCI in its reply comments and have come to the following conclusions. First, we agree with GSAT and USCI that technology has changed substantially since the U.S. positions for the 1979 WARC were formulated and that the assumptions made by STC are outdated and no longer valid. In particular, the assumption that led to the allocation of separate bands to the FSS and BSS at the 1979 WARC was based upon the large power difference between the high-powered BSS and low-powered FSS satellites. Prior to the 1979 WARC power differences as large as 20dB existed between then planned FSS systems and the BSS parameters adopted at the 1977 WARC-BS in these two 12 GHz services. Such large power differences would have resulted in a requirement for excessive orbit spacings and other sharing problems if both services were provided in the same band. For these reasons, as well as regulatory provisions governing the use of the 11.7–12.2 GHz band by both FSS and BSS in Region 2, we successfully advocated separate allocations for the two services. However, because of technical advances, domestic FSS systems in this band are now able to use medium-powered FSS satellites with powers about 10dB higher than the early domestic FSS satellites. These new satellites are capable of providing e.i.r.p.'s greater than 50dBW over significant portions of the U.S.[1] Further, the powers proposed for BSS operations in this band are substantially lower than those proposed for the 12.2–12.7 GHz BSS band. Therefore, these new medium-powered FSS satellites should be able to provide BSS operations as proposed without any adverse impact on orbit spacing in this band.

8. Second, a number of assumptions made in STC's technical analysis do not reflect the current state of technology nor do they reflect the ability to coordinate traffic on adjacent satellites. Some degree of coordination will be required by FSS systems to operate successfully with 2 degree orbit spacings. In addition, the copolar and cross-polar antenna patterns used by STC are several dB less stringent than the antenna standard in Part 25 of the FCC Rules, which is applicable to calculating interference into receiving antennas operating in this band.[2] Furthermore, small antennas of offset design, as proposed by USCI, are capable of exceeding the Part 25 antenna standard, thereby providing additional protection to the BSS receiver. Further, STC performs a voltage summation of the cross-polar antenna isolations to arrive at the total isolation available through cross-polarization. This model is inaccurate when applied to interference arriving through the sidelobes of an antenna. In addition, both STC and USCI assumed that all satellites are simultaneously located at the worst extreme of the 0.1 degree station keeping limit. This assumption is conservative since this is a parameter that is controllable by the satellite operators and the technology and economic incentives are there to maintain the station keeping to less than half this value. In fact, several recent domestic satellite applications have stated a station keeping accuracy of 0.05 degrees. With respect to interference from the BSS signal into FSS SCPC channels, STC has evaluated the co-channel case that has long been recognized as a potentially severe case that would require orbit spacings in excess of 10° to satisfy. However, this case is routinely avoided by all U.S. domestic satellite operators by simply avoiding SCPC assignments within the 2 MHz around the TV carrier frequency. This 2 MHz loss of bandwidth has little or no impact on the SCPC operator since he is generally power limited and cannot use the full bandwidth of the transponder.[3]

9. Finally, we believe that allowing BSS operations in this band will be in the best interest of the general public by enhancing the opportunities for the market place to develop BSS to the extent technically possible. In order to accommodate the intent of footnote 836 and remain consistent with the format of our domestic table we have adopted footnote NG145 which reads as follows:

"NG145 In the band 11.7–12.2 GHz, transponders on space stations in the fixed-satellite service may be used additionally for transmissions in the broadcasting-satellite service, provided that such transmissions do not have a maximum e.i.r.p. greater than 53 dBW per television channel and do not cause greater interference or require more protection from interference than the coordinated fixed-satellite service frequency assignment. With respect to the space services, this band shall be used principally for the fixed-satellite service."

Implementation of such service will be conducted in accordance with our domestic satellite licensing policies and procedures.[4]

Footnote NG143

10. Comments regarding footnote NG143 (see Appendix B), which would allow space stations to operate internationally so long as they impose no unacceptable constraints on operations or orbit locations of space stations in conformance with international footnote 839, were filed by AT&T, M/A-COM and WU and reply comments were filed by COMSAT.

11. M/A-COM supported the footnote, noting that the 10.7–11.7 GHz band, which is allocated for such international systems, is heavily used by terrestrial microwave; therefore, coordination of earth stations is difficult. Since terrestrial microwave is not allocated on a primary basis in the 11.7–12.2 GHz band, this problem does not exist. WV is opposed to the footnote and requested that it not be added to the Table until it has been conclusively demonstrated that there is a need for international fixed-satellite operations in this band (including showing that such operations cannot be provided in the 10.7–11.7 GHz band) and until the Commission provides a full explanation of the criteria used to determine what constraints on domestic or sub-regional systems would be acceptable. AT&T requested that NG143 be expanded to embrance all services, including terrestrial, that may be operating in accordance with the international Radio Regulations as well as U.S. domestic rules. It proposed the following language be added at the end of the footnote:

. . . and impose no unacceptable constraints on operations or locations and

[1] Generally this involves both higher power amplifiers and increased gain antennas to increase e.i.r.p. Thus, it appears that the FSS satellites will continue to increase the e.i.r.p. for all services, including data and message service as well as program distribution. In one recent example, the application from National Exchange (NEX) for the "Spotsat" domestic FSS system proposed 59 dBW e.i.r.p. spot beams. This power level is near that provided by the DBS satellites in the 12.2–12.7 GHz band and is 6dB higher than the limit in footnote 836.

[2] In particular, we refer to § 25.209 as modified in the Report and Order in CC Docket 81-704, FCC 83-184, adopted April 27, 1983. This antenna standard is 29–25 log θ (1–7 degrees off-axis) for the copolar pattern, and 19–25 log θ (1.8–7 degrees off-axis) for the cross-polar pattern.

[3] American Satellite Corporation, 72 FCC 2d 750, 759 (1979).

[4] *See* e.g., GTE Satellite Corporation, *supra, recns. den.* June 1, 1983.

pointing of terrestrial systems operating in accordance with the international Rules and Regulations and the domestic Table of Allocations.

12. COMSAT in its reply comments claimed that the concerns raised by both AT&T and WU are unfounded and requested that the footnote be included in the Table in its present form. It noted, as did M/A-COM, that the 11 GHz band currently allocated for international fixed-satellite service is shared with terrestrial microwave systems and that FSS users in that band are likely to suffer from interference in metropolitan areas where the demand for FSS service is strongest. Therefore, it claimed that the 11.7-12.2 GHz band would be desirable for international FSS use, recognizing that such use would only be permitted as long as it does not impose unacceptable constraints on the U.S. domestic fixed-satellite services. In reponse to AT&T's claim, COMSAT argued that it fails to see how interregional FSS could place any additional constraints on the secondary services than those already imposed by the national and sub-regional FSS.

13. We agree with M/A-COM and COMSAT that this band could provide additional opportunities for international FSS operations, particularly in light of the anticipated availability of earth station equipment capable of both domestic and international FSS service. We further agree with COMSAT that there is no reason to provide secondary terrestrial operations any more protection from this type of FSS operation than they currently receive from domestic FSS operations. Further, we believe that adoption of this footnote as proposed will result in a higher degree of flexibility in the use of this band, better spectrum utilization, and wider availability of services and equipment to users without adversly affecting the primary domestic use of this band. Consequently, sufficient reasons exist for use to adopt NG143 as proposed.

Secondary Mobile-Satellite

14. M/A-COM requested that the 11.7-12-2 GHz band be allocated on a secondary basis for the land mobile-satellite service (space-to-earth) to be paired with the mobile-satellite service (MSS) uplink allocation at 14.0-14.5 GHz, which was proposed by footnote US287. Also, MOBILSAT included its comments originally submitted in response to RM-4247 (NASA petition for establishment of a mobile-satellite service). In those comments it requested that 50 MHz of this band be allocated for feeder links for MSS. However, SPSC in its reply comments claimed that an allocation for feeder links for MSS could prove both spectrally ineffecient and disruptive to the FSS authorized to operate in these bands. It further argued that such an allocation is inappropriate for consideration in this proceeding.

15. With regard to MACOM's request for a secondary mobile-satellite allocation to be paired with the 14.0-14.5 GHz MSS allocation (US287), we feel the proposed allocations will satisfy current and proposed spectrum requirements including those for which US287 was written. The purpose of US287 was to provide for a one way MSS link from mobile or transportable earth stations to central or fixed earth station installations. We foresee no requirement or practical effect for a secondary downlink MSS allocation for a return link to the mobile earth station. Additionally, it should be noted that WARC-79 did not provide a MSS allocation in the band 11.7-12.2 GHz. With regard to MOBILSAT's request, we see no reason to provide specific recognition of feeder links in this band since the definition of the FSS currently provides for feeder links operations. Therefore, no additional footnotes are required.

Conclusion

16. We are adopting the allocations for the 11.7-12.2 GHz band as proposed in the NPRM with the exception of international footnote 836, which has been changed to NG145 and modified to include the band limits as discussed above. The revisions to § 2.106 of the Rules are shown in Appendix B. We will address adoption of the new format for the Table of Frequency Allocations (Table), proposed in the NPRM, in a subsequent Report and Order in this proceeding that will consider the vast majority of the allocations Table. Therefore, we are using the current Table format for the purposes of this proceeding.

Administrative

17. Regulatory Flexibility Act Final Analysis.

I. *Need for and objective of final rules:*

The objective is to allocate the 11.7-12.2 GHz band domestically taking into consideration the Final Acts of the 1979 World Administrative Radio Conference. This is necessary as domestic systems operating within the provisions of the treaty will have rights to international protection from harmful interference as provided for by the Final Acts.

II. *Summary of issues raised by public comments:*

There were no comments filed addressing the matters discussed in the initial regulatory flexibility analysis.

III. *Alternatives to the rule:*

It does not appear that there are any significant alternatives to the adopted rules that would accomplish the stated objectives. No public comment was received regarding such alternatives.

18. Accordingly, it is ordered, That pursuant to the authority found in Section 4(i), 301 and 303(r) of the Communications Act of 1934, as amended, (47 U.S.C. 154(i), 301, 303(r)), Part 2 of the Commission's Rules and Regulations is amended as specified in Appendix B. These amendments become effective July 18, 1983.

19. Points of contact on this matter are William Torak (202) 632-7025 and Fred Thomas (202) 653-8171.

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

William J. Tricarico,

Secretary.

Appendix A

The following submitted timely Comments concerning 11.7-12.2 GHz band in response to the NPRM in General Docket 80-739, Implementation of the Final Acts of the World Administrative Radio Conference, Geneva, 1979:

1. American Telephone and Telegraph Co., AT&T.
2. M/A-COM, Inc., M/A-COM.
3. Mobile Satellite Corporation, MOBILSAT.
4. Satellite Television Corporation, STC.
5. Southern Pacific Satellite Company, SPSC.
6. United Satellite Communications, Inc., USCI.
7. Western Union Telegraph Company, WU.

The following submitted late comments:

1. United States Satellite Broadcasting Company, Inc., USSB.

The following submitted timely reply comments:

1. Communications Satellite Corporation, COMSAT.
2. Direct Broadcasting Satellite Corporation, DBSC.
3. GTE Satellite Corporation, GSAT.
4. Mobile Satellite Corporation, MOBILSAT.
5. RCA American Communications, Inc., RCA.
6. Satellite Television Corporation, STC.
7. Southern Pacific Satellite Company, SPSC.
8. United Satellite Communications, Inc., USCI.
9. Unites States Satellite Broadcasting Company, Inc., USSB.

Appendix B

PART 2—[AMENDED]

Part 2 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the Table of Frequency Allocations is revised for the band 11.7–12.2 GHz as follows:

United States			Federal Communications Commission			Nature of services of stations
Band (GHz)	Allocation	Band (GHz)	Service	Class of station	Frequency (GHz)	
	6	7	8	9	10	11
*	*	*	*	*	*	
11.7-12.2	NG (839) (840)	11.7-12.2	FIXED-SATELLITE (NG143) (NG145) (space-to-Earth) Mobile except aeronautical mobile.	Common carrier land. Common carrier mobile (except aeronautical mobile). Space.		
*	*	*	*	*	*	

2. In the list of footnotes immediately following the table in § 2.106, footnotes 839, 840, NG143 and NG145 should be added in proper numerical sequence. The text of these footnotes is as follows:

* * * * * * *

839 The use of the band 11.7–12.7 GHz in Region 2 by the fixed-satellite and broadcasting-satellite services is limited to national and sub-regional systems and is subject to previous agreement between the administrations concerned and those having services, operating or planned to operate in accordance with the Table, which may be affected (see Articles 11, 13, 14, and Resolution 33).

840 For the use of the band 11.7–12.75 GHz in Regions 1, 2 and 3, see Resolutions 31, 34, 504, 700 and 701.

* * * * * * *

NG143 In the band 11.7–12.2 GHz protection from harmful interference shall be afforded to transmissions from space stations not in conformance with international footnote 839 only if the operations of such space stations impose no unacceptable constraints on operations or orbit locations of space stations in conformance with 839.

* * * * * * *

NG145 In the band 11.7–12.2 GHz, transponders on space stations in the fixed-satellite service may be used additionally for transmissions in the broadcasting-satellite service, provided that such transmissions do not have a maximum e.i.r.p. greater than 53 dBW per television channel and do not cause greater interference or require more protection from interference than the coordinated fixed-satellite service frequency assignments. With respect to the space services, this band shall be used principally for the fixed-satellite service.

* * * * * * *

[FR Doc. 83-16132 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-211; RM-4052; 82-236; RM-82-236]

FM Broadcast Stations in Pearl City, Hawaii; Kaneohe, Hawaii; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 270 to Pearl City, Hawaii, and Channel 282 to Kaneohe, Hawaii, as a first local broadcast service to each, in response to expressions of interest from Pearl City Broadcasting Company and Sunflower Broadcasting Co., Inc., respectively.

EFFECTIVE DATE: July 31, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of: amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Pearl City, Hawaii), BC Docket No. 82-211, RM-4052; amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Kaneohe, Hawaii), BC Docket No. 82-236, RM-4050.

Adopted: May 4, 1983.

Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration its *Further Notice of Proposed Rule Making*, published in the **Federal Register** on December 8, 1982 (47 FR 55256). The *Further Notice* proposed the assignment of FM Channel 270 to Pearl City, Hawaii, and Channel 282 to Kaneohe, Hawaii, as the result of petitions by Pearl City Broadcasting Company and Kaneohe Broadcasting Company, respectively.

2. Pearl City is located in Honolulu County, approximately 16 kilometers (10 miles) northwest of Honolulu, Hawaii. Kaneohe, also in Honolulu County, is located approximately 13 kilometers (8 miles) north of Honolulu. Neither city has a local broadcast service.

3. In the *Further Notice*, questions were raised concerning § 73.240(a) (1) and (2) of our rules regarding multiple ownership since Mr. J. Boyd Ingram is a principal of both Pearl City Broadcasting and Kaneohe Broadcasting. In addition, Maui Broadcasting Company, the proponent of an FM channel assigned to nearby Lahaina, Hawaii, also lists Mr. Ingram as a principal. The Pearl City and Kaneohe proposals involve prohibited overlap of the 1 mV/m contours; and the Pearl City, Kaneohe and Lahaina proposals appeared to involve prohibited regional concentration of control by the same owner.

4. Pearl City Broadcasting filed a response stating that J. Boyd Ingram will have no ownership interest in an application for operation on the Kaneohe channel. Rather, that interest has been assumed by U. J. Gilbert of Sunflower Broadcasting Co., Inc. ("Sunflower"). U. J. Gilbert and Barbara

Gilbert are the sole principals of Sunflower and they filed comments stating that they would apply for Channel 282 at Kaneohe if it is assigned. The withdrawal of J. Boyd Ingram from the Kaneohe proposal removes the foregoing ownership questions.

5. We conclude that the public interest would be served by the assignment of Channel 270 to Pearl City, Hawaii, and Channel 282 to Kaneohe, Hawaii, in order to provide a first local broadcast service to each of the communities.

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

7. Accordingly, *it is ordered*, That effective July 31, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, *is amended* with regard to the following communities:

City	Channel No.
Kaneohe, Oahu, Hawaii	282
Pearl City, Oahu, Hawaii	270

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

9. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-16102 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 82-698; RM-4172]

FM Broadcast Stations in Maljamar, New Mexico; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns and reserves for noncommercial educational use, Channel *254 to Maljamar, New Mexico, in response to a petition filed by the Board of Regents, Eastern New Mexico University.

EFFECTIVE DATE: August 5, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order; Proceeding Terminated

In the matter of; amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Maljamar, New Mexico), BC Docket No. 82-698, RM-4172.

Adopted: May 5, 1983.

Released: June 6, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration a *Notice of Proposed Rule Making*, 47 FR 45060, published October 13, 1982, proposing the assignment of FM Channel *254 to Maljamar, New Mexico, with the reservation of that channel for noncommercial educational use. The *Notice* was issued in response to a petition filed by the Board of Regents, Eastern New Mexico University ("Board"). Supporting comments were filed by the petitioner,[1] restating its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Mexican concurrence has been obtained in the proposed assignment of Channel *254 to Maljamar, New Mexico, since that community is located within 320 kilometers (199 miles) of the U.S.-Mexican border.

3. We believe that the public interest would be served by the assignment of Channel *254 to Maljamar, as it would provide a first noncommercial educational broadcast service to the community. We indicated in the *Notice* that we do not usually assign and reserve commercial channels for noncommercial educational use. Here, however, it has been shown that there are no FM channels available in the noncommercial band which would not cause interferrence to a Channel 6 television station pursuant to the proposals set forth in Docket No. 20735. The Commission has in similar situations reserved a commercial frequency for noncommercial educational use. See *Comobabi, Arizona*, 47 FR 32717, published July 29, 1982, and *Burlington and Newport, Vermont*, 45 R.R. 2d 788 (1979).

4. Accordingly, pursuant to the authority contained in §§ 4(i), 5(d) (1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b), and 0.283 of the Commission's Rules, *it is ordered*, That effective August 5, 1983, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, *is amended* with respect to the community of Maljamar, New Mexico, as follows:

City	Channel No.
Maljamar, New Mexico	*254

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

6. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 83-16103 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

[1] The Commission did not receive comments specifically referring to this docketed proceeding. Rather, the petitioner submitted its application before the channel was assigned. We have taken this response as sufficient to satisfy our usual request for a commitment that the petitioner would apply for the channel, if assigned.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[OST Docket No. 1; Amdt. 1-181]

Organization and Delegation of Powers and Duties; Federal Managers' Financial Integrity Act of 1982

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: This amendment reserves to the Secretary the functions vested in her as head of an executive agency by the Federal Managers' Financial Integrity Act of 1982. The purpose of this amendment is to reserve to the Secretary the functions vested in her by the Act so that the annual report will be a comprehensive report reflecting all DOT systems of internal accounting and administrative control.

EFFECTIVE DATE: The effective date of this amendment is June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. Ross, Office of the General Counsel, (202) 426-4723.

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

The Federal Managers' Financial Integrity Act of 1982 (Pub. L. 97-255; September 8, 1982; 96 Stat. 814) requires the head of each executive agency to

report annually to the President and the Congress on the extent to which the agency's systems of internal accounting and administrative control comply with guidelines to be issued by the Comptroller General of the United States and the Director of the Office of Management and Budget under the Act. Under normal DOT practice, authority vested in the Secretary as head of the agency is automatically delegated to each DOT Administrator, under § 1.45(a)(2) of this title, unless reserved to the Secretary.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies); Organization and functions (Government agencies); Transportation Department.

PART 1—[AMENDED]

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended in § 1.44 by revising the introductory text and adding paragraph (b)(3) to read as follows:

§ 1.44 Reservations of Authority.

The delegations of authority in § 1.45 through § 1.53 and § 1.66 and § 1.67 do not extend to the following actions, authority for which is reserved to the Secretary or the Secretary's delegatee within the Office of the Secretary:

* * * * *

(b) *Legislation and reports.* * * *

(3) Submission of the annual statement on systems of internal accounting and administrative control under the Federal Managers' Financial Integrity Act of 1982 (Pub. L. 97-255).

* * * * *

(49 U.S.C. 322)

Issued in Washington, DC, on April 12, 1983.

Elizabeth Hanford Dole,

Secretary of Transportation.

[FR Doc. 83-15874 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-62-M

National Highway Traffic Safety Administration

49 CFR Part 501

[Docket No. 82-17; Notice 3]

Organization and Delegation of Powers and Duties

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends the provisions on reservation of authority to allow the Deputy Administrator to exercise the authority of the Administrator when the office of the Administrator is vacant due to death or resignation.

EFFECTIVE DATE: June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Kathy DeMeter, Assistant Chief Counsel for General Law, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202-426-1834).

SUPPLEMENTARY INFORMATION: This notice amends § 501.7 of Part 501 (49 CFR Part 501) to revise the provision on the authority which is reserved to the Administrator. As currently written, the section does not provide for instances when the office of the Administrator is vacant, due to death or resignation, and a new Administrator is not immediately appointed. The amendment adopted today provides that during the period between the death or resignation of an Administrator and the appointment and confirmation of a new Administrator, the Deputy Administrator shall exercise all of the authority of the Administrator. Upon appointment and confirmation of a new Administrator, only the Administrator can exercise the authority reserved by § 501.7.

List of Subjects in 49 CFR Part 501

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

This amendment relates to matters of agency organization and procedure and therefore can be issued without opportunity for notice and comment.

PART 501—[AMENDED]

In consideration of the foregoing, Part 501 of Title 49 of the Code of Federal Regulations is amended as follows:

1. The introductory paragraph of § 501.7 is revised to read as follows:

§ 501.7 Administrator's reservations of authority.

The delegations of authority in this part do not extend to the following authority which is reserved to the Administrator and, in those instances when the office of Administrator is vacant due to death or resignation, to the Deputy Administrator:

* * * * *

(Delegation at 49 CFR Part 1.50)

Issued on June 9, 1983.

Diane K. Steed,

Acting Administrator.

[FR Doc. 83-16099 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

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49 CFR Part 571

[Docket No. 82-17; Notice 3]

Lamps, Reflective Devices and Associated Equipment; Correction

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; correction.

SUMMARY: This notice corrects an error in the amendment published on May 16, 1983 (48 FR 21955). The error appears on page 21957 in the amendment to Paragraph S4.1.1.13(c) in which a reference to SAE Standard J580b appeared as J580a. It is, therefore, necessary to correct the error.

FOR FURTHER INFORMATION CONTACT: Jere Medlin, Office of Rulemaking, National Highway Traffic Safety Administration, Washington, D.C. 20590 (202-426-2720)

PART 271—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

§ 571.108 [Amended]

The reference to "J580a" in paragraph S4.1.1.13(c) of Title 49 Code of Federal Regulations, § 571.108 is amended to read: "J580b".

(Secs. 103, 112, 114, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1403, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-16019 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1152

[Ex Parte No. 274 (Sub-8)]

Exemption of Out of Service Rail Lines

AGENCY: Interstate Commerce Commission.

ACTION: Final rule and exemption.

SUMMARY: The Commission is adopting rules (in the Appendix) which exempt abandonments under 49 U.S.C. 10903-10905 from the requirements of prior approval where the lines have been out of service for at least 2 years, subject to certain conditions and standard labor protection provisions. Where a rail line has been out of service for at least 2 years, actual abandonment of the line would have no impact on interstate commerce or the rail transportation

policy. The rule will allow rail carriers to file a notice of exemption which will be published in the **Federal Register** designating the line to be abandoned.

EFFECTIVE DATE: August 16, 1983.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's full decision in this proceeding. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

The Secretary (See 49 CFR 1011.7(h)) has certified that this action (which will benefit railroads through a relaxation of regulation) will not have a significant economic impact on a substantial number of small entities. Because the lines at issue will not have been used for at least 2 years, small business entities that would be served by the lines either were not dependent on that rail service or have made other arrangements for service.

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements, Uniform system of accounts.

This action is taken under the authority of 49 U.S.C. 10321 and 10505, and 5 U.S.C. 553.

Dated: June 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, and Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

Appendix

PART 1152—[AMENDED]

49 CFR Part 1152 is amended by adding a new Subpart F to read as follows:

Subpart F—Exempt Abandonments

§ 1152.50 Exempt abandonments.

(a) A proposed abandonment of a railroad line is exempt from the provisions of 49 U.S.C. 10903-10905 if the criteria designated in this section are satisfied.

(b) An abandonment is exempt if the carrier certifies that no local traffic has moved over the line for at least 2 years and any overhead traffic on the line can be rerouted over other lines, and that no formal complaint filed by a user of rail service on the line regarding cessation of service over the line either is pending with the Commission or has been decided in favor of the complainant within the 2-year period. The complaint must allege (if pending) or prove (if decided) that the carrier has imposed an illegal embargo or other unlawful impediment to service.

(c) The Commission has found that its prior review and approval of these transactions: (1) Is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101a; and (2) is of limited scope or unnecessary to protect shippers from abuse of market power. 49 U.S.C. 10505. A notice must be filed to use this class exemption. The procedures are set out in § 1152.50(d). This exemption does not relieve a carrier of its statutory obligation to protect the interests of employees. 49 U.S.C. 10505(g)(2) and 10903(b)(2). This also does not preclude a carrier from seeking an exemption of a specific abandonment.

(d) Notice of exemption.

(1) At least 10 days prior to filing a notice of exemption with the Commission, the railroad seeking the exemption must notify in writing the Public Service Commission (or equivalent agency) in the State(s) where the line will be abandoned; The notice shall name the railroad, describe the line to be abandoned, indicate that the exemption procedure is being used, and include the approximate date the notice of exemption will be filed with the Commission.

(2) The railroad must file a verified notice using its appropriate abandonment docket number and sub number with the Commission at least 50 days before the abandonment is to be consummated, including the proposed consummation date, the certification required in § 1152.50(b), the information required in § 1152.22 (a)(1-4), (8) and (e)(5), the level of labor protection, and a certificate that the notice requirements of § 1152.50(d)(1) have been complied with.

(3) The Commission through the Director of the Office of Proceedings, shall publish a notice in the **Federal Register** within 20 days after the filing of the notice of exemption. Petitions to stay the effective date of the exemption must be filed within 10 days after publication and petitions for reconsideration must be filed within 20 days after publication (unless stayed pending reconsideration). If the notice of exemption contains false or misleading information, the use of this exemption is void *ab initio* and the Commission shall summarily reject the exemption notice.

(4) To address environmental issues and whether the right of way is suitable for other public purposes under 49 U.S.C. 10906, a party shall submit evidence to the Commission within 20 days of publication in the **Federal Register**. A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

(49 U.S.C. 10321 and 10505; 5 U.S.C. 553)

[FR Doc. 83-16149 Filed 6-15-83; 8:45 am]

BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 82-NM-68-AD]

Airworthiness Directives; Gates Learjet Model 35, 36, 35A, and 36A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: This document withdraws a Notice of Proposed Rulemaking (NPRM) which proposed the adoption of an Airworthiness Directive (AD) for Gates Learjet Model 35, 36, 35A and 36A series airplanes that would have required the installation of a trim-in-motion warning, redesigned pitch axis master interrupt, improved takeoff out-of-trim warning system, modified Mach trim system, modified stick pusher system, and modified overspeed warning system. Additionally, the proposal would have added Airplane Flight Manual (AFM) procedures for the above changes. Upon further consideration and in light of comments received, the FAA has determined that the proposed AD is not required at this time; and accordingly the NPRM is withdrawn.

DATE: This withdrawal is effective June 21, 1983.

FOR FURTHER INFORMATION CONTACT: Mr. Bennett Sorensen, Aerospace Engineer, Wichita Aircraft Certification Office, Room 238, Terminal Building 2299, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 269-7012.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an Airworthiness Directive (AD) for Gates Learjet Model 35, 36, 35A and 36A series airplanes which, if adopted, would have required the installation of a trim-in-motion warning, redesigned pitch axis master interrupt, improved takeoff out-of-trim warning system, modified Mach trim system, modified stick puller system, modified overspeed warning system, and Airplane Flight Manual procedures for the above changes was published in the **Federal Register** on September 27, 1982 (47 FR 42371). The Learjet Model 30 series airplanes are similar in design to the Learjet Model 25 series airplanes on which an AD was previously issued to correct deficiencies in various pitch axis systems. The Model 30 series AD was proposed because similar failures in its pitch axis systems might also lead to possible unsafe conditions. Comments were requested from the public to help determine if any undocumented adverse service history of failures existed on any of the affected pitch axis systems.

Seventy-three written comments were received addressing the NPRM. Sixty-nine of the comments opposed the AD because no documented high speed accidents had occurred on the subject airplanes. Two comments stated that the system improvements were safety related and should therefore be made madatory. Two commenters were neutral on imposing the AD. No unsafe system malfunctions were disclosed in these comments. One commenter telephoned and stated that his overspeed warning and puller had failed even though they preflighted properly. No incident or injury resulted. Twenty-seven commenters felt that the proposed kits should be offered by Gates Learjet as a product improvement. Eighteen commenters stated that pilot training, inexperience or inadequate Type Rating requirements were at least partially responsible for the relatively high rate of Gates Learjet 24 and 25 series accidents.

The accident free service history of the 30 series airplanes in the high speed flight regime could be partially attributed to external differences between the 30 series airplanes and the 20 series airplanes. The Learjet 30 series airplanes are equipped with turbofan engines while the 20 series Learjets have turbojet engines. As a result of the larger turbofan engine nacelles, a higher drag rise at high Mach numbers causes the 30 series airplanes to accelerate much more slowly in the event of a nose down upset or system malfunction. Consequently it is more difficult to reach very high speeds. Each 30 series airplane also has a full time Mach trim system to artificially increase longitudinal stability at high speeds. The 20 series airplanes do not have Mach trim systems.

In consideration of all factors, the FAA has concluded that an Airworthiness Directive requiring the installation of a trim-in-motion warning, redesigned pitch axis master interrupt, improved takeoff out-of-trim warning system, modified stick puller system, and modified warning system in Gates Learjet Model 35, 36, 35A and 36A series airplanes is not justified. However, it has been recommended that the manufacturer offer the proposed modification kits as non-mandatory product improvements. Gates Learjet has agreed to do this. However, since many of the changes are interrelated, individual kits for each change may not be possible.

Withdrawal of this Notice of Proposed Rulemaking constitutes only such action, and does not preclude the agency from issuing another Notice in the future, or commit the agency to any course of action in the future.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Withdrawal

PART 39—[AMENDED]

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, the proposed airworthiness directive published in the **Federal Register** on September 27, 1982, (47 FR 42371), is hereby withdrawn.

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

Note.—Since this action withdraws a proposed restriction and imposes no additional burden on any person, it may be made effective in less than 30 days. It is neither a proposed nor final rule, and therefore, is not covered under Executive Order 12291, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979).

Issued in Seattle, Washington, on June 1, 1983.

Wayne J. Barlow,
Acting Director, Northwest Mountain Region.

[FR Doc. 83-15887 Filed 6-15-83; 8:45 am]
BILLING CODE 4910-13-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 913

Public Comment Period and Opportunity for Public Hearing on Proposed Condition of Approval to the Illinois Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing a public comment period and opportunity for a public hearing on a proposed action to impose a new condition on the Secretary of the Interior's approval of the Illinois Permanent Regulatory Program (hereinafter referred to as the Illinois program) under the Surface Mining Control and Reclamation Act of 1979 (SMCRA). The proposed condition relates to the authority of the State to deny an application for a permit or permit renewal unless the applicant submits proof that all required Federal reclamation fees have been paid.

This notice sets forth the times and locations that the Illinois program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the propose amendment to the Illinois program not received on or before 4:00 p.m. on July 18, 1983, will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for 10:00 a.m., June 30, 1983, at the address listed under **ADDRESSES.**

Any person interested in making an oral or written presentation at the hearing should contact Mr. James Fulton at the address or phone number listed below by June 23, 1983. If no one has contacted Mr. Fulton to express an interest in participating in the hearing by the above date, the hearing will not be held. If only one person has so contacted Mr. Fulton by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

EFFECTIVE DATE: Written comments should be mailed or hand delivered to: James Fulton, Director, Springfield Field Office, Office of Surface Mining Reclamation and Enforcement, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701.

The public hearing will be at the Springfield Field Office, Office of Surface Mining, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701.

Copies of the Illinois program, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240.
Office of Surface Mining Reclamation and Enforcement, No. 4 Old Capitol Plaza, North, Springfield, Illinois 62701
Illinios Department of Mines and Minerals, Land Reclamation Division, 227 South 7th Street, Springfield, Illinois 62706

FOR FURTHER INFORMATION CONTACT: James Fulton, Director, Springfield Field Office, Office of Surface Mining, No. 4 Old Capitol Plaza North, Springfield, Illinois 62701, Telephone: (217) 492-4495.

SUPPLEMENTARY INFORMATION: The Illinois program was conditionally approved by the Secretary of the Interior on June 1, 1982 (47 FR 23858). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Illinois program can be found in the June 1, 1982 **Federal Register.**

Background

Sections 510(b) and 510(c) of SMCRA limit the issuance of new permits and permit renewals to those applicants who are in compliance with the requirements of SMCRA. As specified in section 402 of SMCRA and Subchapter R of 30 CFR, the operators of coal surface mines are to pay reclamation fees to the Secretary of the Interior. Further, section 402(f) of SMCRA specifically mandates full cooperation with the Secretary by all Federal and State agencies in the enforcement of this provision.

Recently it was brought to the Secretary's attention that the Illinois program does not contain regulatory language consistent with 30 CFR 786.19(h) which requires the State to deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid. The Illinois regulation at 1786.19(h) requires that operators pay all fees required by the State's regulations.

To resolve this issue, on February 1, 1983, the Director, OSM, sent a letter to Illinois to request that Illinois confirm that section 1786.19(h) also requires the applicant to submit proof that all required Federal reclamation fees have been paid, consistent with 30 CFR 786.19(h). To date, Illinois has not formally responded to the February 1 letter.

Therefore, the Secretary proposes to add a new condition to the Illinois program requiring the State to amend its program by a specified date to incorporate requirements no less effective than 30 CFR 786.19(h). The Secretary requests public comment on this proposed action.

Pursuant to 30 CFR 732.17(e), the Secretary notified Illinois by letter of June 7, 1983, that a State program amendment is required because conditions or events indicate that the approved State program no longer meets the requirements of SMCRA and the Federal regulations. Therefore, pursuant to 30 CFR 732.17(f)(1), Illinois shall submit to the Secretary within 60 days of receipt of notification either a proposed written amendment or a description of an amendment to be proposed that meets the requirements of SMCRA and the Federal regulations, and a timetable for enactment which is consistent with established administrative or legislative procedures. Failure of the State to submit the proposed amendment or description and the enactment timetable within the prescribed 60 days, or subsequent failure to comply with the submitted timetable, or disapproval by the Secretary of the amendment, could result in proceedings under 30 CFR Part 733 to either enforce that part of the State program affected to withdraw approval in whole or in part, of the State program and implement a Federal 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 for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or

conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*)).

This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would 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.

Accordingly, 30 CFR 913.11 is proposed to be amended as set forth herein.

(Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 20) *et seq.*))

Dated: June 10, 1983.

Steven Griles,

Acting Director, Office of Surface Mining.

PART 913—ILLINOIS

30 CFR 913.11 is proposed to be amended to impose an additional condition by adding a new paragraph (f) to read as follows:

§ 913.11 Conditions of State regulatory program approval.

* * * * *

(f) Steps will be taken to terminate the approval found in § 913.10 unless Illinois submits to the Secretary by _____, a copy of promulgated regulations or otherwise amends it program to contain provisions no less effective than 30 CFR 786.19(h) to require the State to deny permit applications and permit revision applications unless the applicant has submitted proof that all Federal reclamation fees required under 30 CFR Subchapter R have been paid.

[FR Doc. 83-16212 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-05-M

30 CFR Part 938

Permanent State Regulatory Program of Pennsylvania

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

ACTION: Proposed rule

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM), is considering modifying the deadline for Pennsylvania to meet condition (d) of its approved State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The condition relates to prime farmland requirements for a permit applicant who proposed to mine coal in the anthracite region.

DATE: Comments must be received by July 18, 1983, at the address below, no later than 4:00 p.m.

ADDRESS: Written comments must be mailed or hand-delivered to: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101.

FOR FURTHER INFORMATION CONTACT: Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining, 101 South 2nd Street, Suite L-4, Harrisburg, Pennsylvania 17101, (717) 782-4036.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The curing of each deficiency is a condition of the approval. Steps to terminate the conditional approval must be taken if the conditions are not met according to the schedule. The dates are established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and SMCRA and the time required for changes to be adopted under State procedures or legislative schedules.

On February 29, 1980, the Secretary of the Interior received a proposed regulatory program from the State of Pennsylvania. On October 22, 1980, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior disapproved the program. The State resubmitted its program on January 25, 1982, and, subsequently the Secretary approved the program conditioned on the correction of minor deficiencies. Information pertinent ot the general background of the permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050).

In a letter dated April 25, 1983, from the Commonwealth of Pennsylvania, the State requested an additional six months to satisfy condition (d).

The State explains that because of the recently passed Regulatory Review Act, which took effect on March 1, 1983, proposed regulations must be submitted to both houses of the Pennsylvania General Assembly and an Independent Regulatory Review Commission prior to adoption. Proposed regulations can be disapproved by either the General Assembly or the Commission. Since a portion of the condition may require a regulatory change, and such a revision must be submitted to the General Assembly and the Commission, Pennsylvania claims it is highly unlikely that the State will be able to meet the August 1, 1983, deadline for satisfying the condition.

Therefore, the Secretary proposes to allow the State until February 1, 1984, to meet condition (d) pertaining to certain coal mine permit requirements with respect to prime farmland in the anthracite region

The Secretary is continuing to review with the State all of the outstanding program conditions. A final rule implementing this proposed extension may, in response to public comment, be different than the one proposed in this notice.

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 rulemamking.

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 Subject in 30 CFR Part 938

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.))

Dated: June 10, 1983.

J. Steven Griles,

Acting Director, Office of Surface Mining.

The following are proposed amendments to 30 CFR, Chapter VII, Subchapter T, Part 938:

PART 938—PENNSYLVANIA

§ 938.11 [Amended]

30 CFR 938.11(d) is proposed to be amended by substituting "February 1, 1984" for August 1, 1983 each time it appears.

[FR Doc. 83-16214 Filed 6-15-83; 8:45 am]
BILLING CODE 4310-05-M

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30 CFR Part 946

Public Comment Period and Opportunity for Public Hearing on Proposed Amendment to the Virginia Permanent Regulatory Program

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

ACTION: Proposed rule.

SUMMARY: OSM is announcing a public comment period and oportunity for public hearing on a proposed amendment to the Virginia Permanent Regulatory Program (hereinafter referred to as the Virginia program) submitted by the State pursuant to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The Proposed amendment relates to the State's Coal Surface Mining Reclamation Fund which is an alternative reclamation bonding system.

This notice sets forth the times and locations that the Virginia program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed asmendment, and information pertinent to the public hearing.

DATES: Written comments, data or other relevant information relating to the proposed amendment to the Virginia program not received on or before 4:00 p.m. on July 18, 1983, will not necessarily be considered.

A public hearing on the proposed modifications has been scheduled for July 11, 1983, from 7:00 p.m. to 9:00 p.m. at the address listed under **ADDRESSES.**

Any person interested in making an oral or written presentation at the hearing should contact Mr. Ralph Cox at the address or phone number listed below by July 7, 1983. If no one has contacted Mr. Cox to express an interest in participating in the hearing by the above date, the hearing will not be held. If only one person has so contacted Mr. Cox by the above date, a public meeting, rather than a public hearing, may be held and the results of the meeting included in the Administrative Record.

ADDRESSES: Written comments should be mailed or hand delivered to: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining Reclamation and Enforcement, Highway 23, South, P.O. Box 626, Big Stone Gap, Virginia 24219.

The Public hearing will be held in the Conference Room of the Lebanon Area Office, Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266.

Copies of the Virginia program, the proposed amendment, a listing of any scheduled public meetings and all written comments received in response to this notice will be available for review at the OSM and State regulatory authority offices listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Room 5315, 1100 "L" Street, NW., Washington, D.C. 20240;

Office of Surface Mining Reclamation and Enforcement, highway 23, South, Big Stone Gap, Virginia 24219;

Office of Surface Mining Reclamation and Enforcement, Flannagan and Carroll Streets, Lebanon, Virginia 24266;

Virginia Division of Mined Land Reclamation, 622 Powell Avenue, Drawer U, Big Stone Gap, Virginia 24219.

FOR FURTHER INFORMATION CONTACT: Ralph Cox, Director, Virginia Field Office, Office of Surface Mining, P.O. Box 626, Big Stone Gap, Virginia 24219, Telephone: (703) 523-4303.

SUPPLEMENTARY INFORMATION: The Virginia program was conditionally approved by the Secretary of the Interior on December 15, 1981 (46 FR 61088-61115). Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Virginia program can be found in the December 15, 1981, **Federal Register.** Information pertinent to the previous amendments submitted by Virginia concerning reclamation bonding can be found in the September 21, 1982, **Federal Register** (47 FR 41556), in the January 18, 1983, **Federal Register** (48 FR 2123) and in the February 28, 1983, **Federal Register** (48 FR 8271).

On May 20, 1983, Virginia submitted a proposed State program consisting of an act, which amends and reenacts Sections 45.1-270.2—45.1-270.4 of the Code of Virginia, passed by the 1983 Virginia General Assembly relating to the State's Coal Surface Mining Reclamation Fund (Fund) and a draft copy of proposed regulations developed to implement the statutory amendment. The statutory amendment, referred to as Chapter 131, modifies the statutory amendment creating the Fund submitted by Virginia on July 8, 1982, and approved by the Director, OSM, on September 21, 1982 (47 FR 41556). Chapter 131 would become effective upon approval by OSM. The draft proposed regulations to implement Chapter 131 have been tentatively approved by the State for adoption on an emergency basis once Chapter 131 becomes effective, although the regulations are being processed through the Virginia Administrative Process Act reguirements for public comment with a public hearing scheduled for August 15, 1983. The State also provided a side by side comparison of the original program amendment of July 8, 1982, and the proposed Chapter 131 amendment.

Therefore, OSM requests public comment on the substantive adequacy of the above modifications.

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 for this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act.* On August 28, 1981, the Office of Management and

Budget (OBM) granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, for this action OSM is exempt from the requirement to prepare a Regulatory Impact Analysis and this action does not require regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules would 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 946

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

(Pub. L. 95-87, Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*))

Dated: June 13, 1983.

James R. Harris,

Director, Office of Surface Mining.

[FR Doc. 83-16213 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 162

[CGD 78-151]

Inland Waterways Navigation Regulations; Connecting Waters From Lake Huron to Lake Erie

Correction

In FR Doc. 83-14897 beginning on page 25231 in the issue of Monday, June 6, 1983, make the following correction:

On page 25235, first column, §162.132(b)(1), in the table, the last entry should have read.

Downbound vessels	Calling points	Upbound vessels
*	* * *	*
Security Call	Fighting Island South Light.	
	Detroit River Light	Security Call.

BILLING CODE 1505-01-M

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 7

Rocky Mountain National Park, Colorado; Snowmobile Regulations

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The proposed regulations set forth below are necessary to provide the public the opportunity for snowmobile access in winter to certain areas of Rocky Mountain National Park and the adjacent Arapaho National Forest that are accessible by other vehicles during other seasons of the year. These regulations have been designed to provide for increased recreational use and enjoyment of park resources as well as to provide for the preservation of the Park in a way that is consistent with the general snowmobile policy of the National Park Service and the off-road vehicle policy of the Department of the Interior.

DATE: Written comments, suggestions or objections will be accepted until July 18, 1983.

ADDRESS: Comments should be directed to: Superintendent, Rocky Mountain National Park, Estes Park, Colorado 80517.

FOR FURTHER INFORMATION CONTACT: David J. Essex, Chief Park Ranger, Rocky Mountain National Park, Estes Park, Colorado 80517. Telephone: (303) 586-2371.

SUPPLEMENTARY INFORMATION:

Background

Executive Order 11644 (37 FR 2877; February 9, 1972), later amended by Executive Order 11989, imposed restraints on off-road uses on Federal lands in 1972, including snowmobiles. Pursuant to that order, the National Park Service promulgated the regulation contained in 36 CFR 2.34 on April 1, 1974, which had the effect of closing all National Park System lands to snowmobiling except those specifically designated as open through publication of a notice in the **Federal Register**. The Superintendent of Rocky Mountain National Park, in response to Executive Order 11644, prepared an environmental assessment of snowmobile use, and public meetings were held at Grand Lake, Colorado on October 24, 1973 and February 28, 1974, to discuss routes and areas of proposed snowmobile use on lands administered by the National Park Service, including the former Shadow Mountain Recreation Area. On April 12, 1975, a meeting attended by the Grand County commissioners, Grand Lake Chamber of Commerce directors and snowmobile club officers was held to hear proposals to open routes in addition to those proposed in a Federal Register notice of February 14, 1975 (40 FR 6797). The final notice was published in the **Federal Register** of January 13, 1976 (41 FR 1933) adopting the proposed routes, plus an additional access trail to Forest Service land. The route designations were: (a) Green Ridge Snowmobile Trail (now under U.S. Forest Service jurisdiction), (b) Summerland Park Snowmobile Trail, (c) Supply Creek Access Snowmobile Trail, (d) Trail Ridge Road (a portion of * * *), (e) Bowen Gulch Access Trail.

In August of 1977, the National Park Service appointed a task force to review snowmobile use in all areas of the National Park System and to: "develop a policy * * * that will clearly state the National Park Service's position on the legitimacy of mechanized over snow travel in the parks and enable the Superintendents to address the question uniformly."

During the winter of 1978-1979, a series of public meetings were held at key locations throughout the United States to hear comments on a proposed revised national snowmobile policy for NPS areas. A "Notice of Revised Snowmobile Policy" was published in the **Federal Register** (44 FR 47412) on August 13, 1979 which stated, in part, that in areas of the National Park System where snowmobiling is permitted, snowmobiles shall be confined to properly designated routes and water surfaces, and such routes shall be promulgated as special regulations in the Code of Federal Regulations, Title 36, Part 7.

The designated routes specified in the proposed rule are necessary to comply with Servicewide policy. These routes are as follows: (1) Summerland Park Route, a .5-mile unplowed roadway lying in Sections 32 and 33, T4N, R75W, just north of Grand Lake. The route is a continuation of a public road maintained by the Town of Grand Lake to service its water system, designated as a town snowmobile route. (2) Supply Creek Access Route, two spur access routes of about 2.2 miles connecting Grand Lake to "Supply Creek Road," for access to Forest Service trails designated as snowmobile routes. (3) Trail Ridge Road, specifically the 17 mile stretch from the West Unit Visitor Center to Milner Pass, of which the lower 9.7 miles from Timber Lake Trailhead to the visitor center would be plowed and open to dual-use with other motorized vehicles. (4) Bowen Creek

Access Trail, a .8-mile unplowed roadway leading from Trail Ridge Road to the Bowen Gulch Trail on Forest Service lands.

With the exception of the Trail Ridge Road route, the snowmobile routes proposed for designation are short-distance corridors or spurs leading to primary snowmobile use areas outside park boundaries. The 9.7 miles of dual-use on Trail Ridge Route, as well as a portion of the Supply Creek Access Route, represent a significant exception to the National Park Service's snowmobile policy by allowing snowmobilers on roads simultaneously with other motorized vehicles. The proposed regulations include operating restrictions to ensure snowmobile safety on dual-use roads. Four short segments, totaling 1.3 miles of abandoned roadway and open land, are used as point-to-point connectors on the Supply Creek Access Route to reach snowmobile routes on adjacent Forest Service lands. These too represent an exception to the Servicewide snowmobile policy.

The Act of October 11, 1978 (Pub. L. 95-450; 92 Stat. 1095), created the Arapaho National Recreation Area, transferring the former Shadow Mountain Recreation Area to the U.S. Forest Service. Certain National Park Service designated snowmobile routes were, therefore, transferred to the Forest Service to manage. House Report 95-1460, accompanying Pub. L. 95-450, instructed the National Park Service to address the possibility of designating a snowmobile route along the east shore of Shadow Mountain Lake, located in Rocky Mountain National Park, to connect with the Arapaho National Recreation Area.

Subsequently, the Act of December 22, 1980 (Pub. L. 96-560; 94 Stat. 3265), revising the boundaries of Rocky Mountain National Park, authorized the East Shore Trail along Shadow Mountain Lake for snowmobile use, provided studies show there will be no significant adverse impact on wildlife. Until the required studies are conducted, the East Shore Trail will not be proposed as a designated route.

Public Participation

The superintendent initiated action to prepare another environmental assessment in the winter of 1979-1980. The purpose of this environmental assessment was to re-analyze permitted snowmobile use in Rocky Mountain National Park (West Unit), along with environmental impacts expected to be associated with alternative courses of action addressed, prior to promulgation of special regulations. This involved continued public involvement through written responses, telephone contact, and re-contacting representatives from most all agencies and organizations contacted in the past and listed below:

U.S. Bureau of Reclamation
U.S. Forest Service
Colorado Division of Wildlife
Grand County Commissioners
Grand County Sheriff's Department
Town of Grand Lake (Mayor, Marshal, Town Council)
Grand Lake Metropolitan Recreation District
Grand Lake Chamber of Commerce
Trailblazers Snowmobile Club.

In reviewing the old assessment, addressing new proposals, and identifying other environmental concerns, additional contacts were made with representatives from U.S. Fish & Wildlife Service, National Wildlife Federation (Boulder) and Sierra Club (Denver).

Separate contact was made with private inholders and "use and occupancy" residents on the question of plowing the lower portion of Trail Ridge Road which has been open to dual use of snowmobiles and other wheeled vehicles since 1973.

The Environmental Assessment was completed and approved by the Acting Regional Director on April 4, 1980. Two public meetings were held on May 20 and 21, 1980 at Denver and Granby, Colorado, respectively. Written comments were received on the assessment until June 30, 1980.

A "Record of Decision" on the alternatives was prepared on September 16, 1980, along with a "Finding of No Significant Impact," for the purposes of the National Environmental Policy Act (42 U.S.C. 4332). Both documents are available from the Superintendent, Rocky Mountain National Park.

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections regarding the proposed regulations to the address noted at the beginning of this rulemaking.

Drafting Information

The following persons participated in the writing of these regulations: David J. Essex, Chief Park Ranger; Darrell C. Grossman, Supervisory Park Ranger, both of Rocky Mountain National Park.

Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 49 U.S.C. 3501 *et seq.*

Compliance with Other Laws

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291, and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

This conclusion is based on the finding that snowmobile use of the park now ranges from 2,500-3,500 snowmobiles annually. While most snowmobiling occurs on adjacent lands outside the park, the proposed rule will contribute to the local tourism economy of Grand Lake, Colorado, by ensuring the continued availability of snowmobiling opportunities in Rocky Mountain National Park.

As noted previously, pursuant to the National Environmental Policy Act (42 U.S.C. 4332), the Service has prepared an environmental assessment on this proposed regulation which is available at the address noted above.

Authority

Section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3).

Indexing Terms

List of Subjects in 36 CFR Part 7

National parks.

PART 7—[AMENDED]

In consideration of the foregoing, it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations by adding paragraph (i) to § 7.7, to read as follows:

§ 7.7 Rocky Mountain National Park.

* * * * *

(i) *Snowmobiles.* (1) Designated routes open to snowmobile use: The Summerland Park Snowmobile Trial, the Supply Creek Access Snowmobile Trail, the plowed portion of the Trail Ridge Road between the West Unit Visitor Center and the Timber Trailhead, the unplowed portion of the Trial Ridge Road between the Timber Lake Trailhead and Milner Pass, and the Bowen Gulch Access Trail. These routes will be marked by signs, snow poles or other appropriate means.

(2) Detailed descriptions of designated routes and appropriate maps are available at Park Headquarters, the West Unit Office and the Grand Lake Entrance Station.

(3) The maximum speed limit is 35 m.p.h. unless changed by the posting of appropriate signs. On routes open to dual use of both motor vehicles and snowmobiles, the maximum snowmobile

speed limit is 25 m.p.h. All posted speed limits are subject to further limitations as required under § 4.14 of this chapter. No person shall operate a snowmobile at a speed in excess of the maximum limits so posted.

(4) On roads designated for snowmobile use, only that portion of the road or parking area intended for other motor vehicle use may be used by snowmobiles. Such roadway is available for snowmobile use only when the designated road or parking area is closed to all other motor vehicle use by the public except on the dual use routes described in (5).

(5) Routes open to dual use of both motor vehicle and snowmobiles: that portion of the Supply Creek Access Snowmobile Trial which extends along the plowed Trial Ridge Road from the Grand Lake Lodge Road junction to Sun Valley Road junction, then along the plowed Sun Valley Road to the Park boundary where it intersects with a plowed Grand County road; that portion of the plowed Trail Ridge Road between the West Unit Visitor Center and the Timber Lake Trailhead. On such dual use routes, the operation of snowmobiles is permitted only along the far right portion of the plowed roadway and in a single-file manner. Dual use routes will be marked with appropriate signs and snow poles. The maximum snowmobile speed limit on such dual use routes is 25 m.p.h.

(6) The Superintendent shall determine the opening and closing dates for use of designated snowmobile routes each year, taking into consideration the location of wintering wildlife, road plowing schedules and other factors that may relate to public safety, and he/she shall notify the public of such dates through normal news media channels. Temporary closure of dual-use routes for public safety reasons will be initiated through the posting of appropriate signs and/or barriers when road plowing operations are taking place. Routes will be open to snowmobile travel when they are considered to be safe for travel but not necessarily free of safety hazards. Snowmobilers may travel these routes with the permission of the Superintendent, but at their own risk.

Dated: April 27, 1983.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-16087 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-70-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6535]

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.

FOR FURTHER INFORMATION CONTACT: Dr. Brian R. Mrazik, 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 Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

The proposed 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	Bridgeport, City, Fairfield County	Long Island Sound	Shoreline of Ash Creek at Livingston Street extended	*11
			Entire shoreline of Black Rock Harbor	*14
			Shoreline at Hilltop Road extended	*15
			Shoreline at Battery Park Drive extended	*17
			Shoreline at Barnum Dyke extended	*16

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
			Entire shoreline of Bridgeport Harbor	*14
			Shoreline at eastern corporate limits	*15
Maps available for inspection at the City Engineer's Office, City Hall, Bridgeport, Connecticut.				
Send comments to Honorable Leonard Paoletta, Mayor of the City of Bridgeport, 450 Lyon Terrace, Bridgeport, Connecticut 06604.				
Connecticut	Old Saybrook, Town, Middlesex County	Connecticut River	South of CONRAIL crossing	*13
			Shoreline at Cornwell Place (extended north)	*13
			Shoreline at Dock Road (extended)	*15
			Shoreline of South Cove at Clinton Avenue (extended)	*13
			Shoreline of South Cove at Reed Cove (extended)	*13
		Long Island Sound	Entire shoreline within community	*16
Maps available for inspection at the Town Hall, 302 Main Street, Old Saybrook, Connecticut.				
Send comments to Honorable Barbara Maynard, First Selectwoman for the Town of Old Saybrook, Town Hall, P.O. Box 618, Old Saybrook, Connecticut 06475.				
Connecticut	Old Lyme, Town, New London County	Long Island Sound	Shoreline east of Griswold Point	*16
			Shoreline at Oak Road (extended)	*15
		Connecticut River	Shoreline of Lord Cove 800 feet north of Binney Road (extended).	*13
			Shoreline at Huntley Road (extended)	*12
			Shoreline at Noyes Road (extended)	*13
Maps available for inspection at the Town Hall, Office of Planning and Building, Old Lyme, Connecticut.				
Send comments to Honorable Wallace Moore, First Selectman for the Town of Old Lyme, Memorial Hall, Old Lyme, Connecticut 06371.				
Connecticut	Stratford, Town, Fairfield County	Long Island Sound	Western corporate limits to Jefferson Street	*15
			Jefferson Street to Stratford Point	*16
			Stratford Point to Crimbo Point	*15
			Fifth Avenue extended	*15
			York Street extended	*16
			Short Beach Road extended	*15
			Homestead Avenue extended	*13
Maps available for inspection at the Office of the Commissioner of Buildings, Stratford, Connecticut.				
Send comments to Honorable Gloria Minie, Town Manager of Stratford, 2725 Main Street, Stratford, Connecticut 06497.				
Florida	City of Cedar Key, Levy County	Gulf of Mexico	At the intersection of Shelcrest Avenue and Gulf Boulevard.	*15
			At the intersection of Merle Street and Sherril Street	*17
Maps available for inspection at City Clerk's Office, City Hall, Second Street, Cedar Key, Florida 32625.				
Send comments to Mayor Gary Haldeman or Ms. Frances Hodges, City Clerk, City Hall, P.O. Box 417, Cedar Key, Florida 32625.				
Florida	Unincorporated Areas of Hernando County	Withlacoochee River	Approximately 1,000 feet downstream of Interstate Highway 75.	*53
			Approximately 500 feet upstream of U.S. Highway 301	*71
		Little Withlacoochee River	Approximately 1,000 feet downstream of U.S. Highway 301.	*71
			Approximately 200 feet upstream of U.S. Highway 301	*72
		Ponding Area 1	At Brooksville Quarry	*70
		Ponding Area 2	Approximately 1,000 feet southwest of intersection of Wallen Drive West and Cook Drive.	*64
		Ponding Area 3	Along Country Club Drive approximately 500 feet south of 5th Avenue.	*61
		Ponding Area 4	Approximately 1,500 feet southeast of intersection of Martin Drive and Weeks Drive.	*62
		Shallow Flooding	Entire shoreline of Horse Lake lying south of the intersection of State Highway 50 and County Road 485.	*72
		Shallow Flooding	Approximately 1,000 feet northwest of intersection of Croom Road (County Road 478) and Patrick Road.	*88
		Shallow Flooding	Along Martin Drive approximately 300 feet east of Wallian Drive East.	#3
		Gulf of Mexico	Along County Road 595 approximately 500 feet north of Hammock Creek.	*18
		Gulf of Mexico/Indian Bay	Just South of the intersection of Hernando Beach Road and County Road 595.	*13
		Gulf of Mexico/Little Pine Bay	Intersection of Hernando Beach and Hernando Blvd	*12
		Gulf of Mexico/Centipede Bay	Along County Road 595 approximately 500 feet southwest of Weeki Wachee River.	*13
		Gulf of Mexico/Rock Island Bay	Intersection of State Highway 50 and County Road 595.	*16
		Gulf of Mexico/Chassahowitzka Bay.	Along the northern county limits at the crossing of Ryle Creek.	*16
Maps available for inspection at Board of County Commissioners' Office, John Law Ayers Building, 1 North Brooksville Avenue, Brooksville, Florida 33572.				
Send comments to Mr. Henry Ledbetter, Chairman or Mr. Greg Copeland, Vice Chairman, Board of County Commissioners, P.O. Box 185, Brooksville, Florida 33512.				
Florida	Town of Inglis, Levy County	Gulf of Mexico	At intersection of Aragon Drive and Riverside Drive	*10
		Withlacoochee River	Just east of water control structure on overflow channel located just north of Inglis Lock.	*28
Maps available for inspection at Town Hall, Highway 40 West, Inglis, Florida 32649.				
Send comments to Mayor Martha Eiland or Mr. Bennett Waites, Building Inspector, Town Hall, P.O. Drawer 429, Inglis, Florida 32649.				
Florida	Manatee County (Unicorporated areas)	Manatee River	Center of intersection of Gates Creek Road and Upper Manatee River Road.	*10

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Braden River	At the intersection of Linger Lodge Road and Braden River Road.	*9
		Gamble Creek	125 feet south from the center of intersection of Jim Davis Road and Golf Course Road.	*18
		Mill Creek	Center of Upper Manatee River Road crossing	*12
		Bowlees Creek	Center of intersection of Danny Drive and Magellan Drive.	*15
		Frog Creek	80 feet upstream from the center of U.S. Highway 41	*10
		Little Manatee River	At the northeastern crossing of the county limit and the stream.	*32
		Myakka River	Center of State Highway 70 crossing	*39
		Gulf of Mexico	150 feet west from the center of intersection of Vacanti Street and State Highway 789.	*15
			150 feet west from the center of intersection of 3rd Avenue and 36th Street.	*14
		Tampa Bay	Center of U.S. Highway 19	*14
			At the center of intersection of Flamingo Road and Spoonbill Road West.	*13
			150 feet west from the center of intersection of 45th Street and 8th Avenue Boulevard West.	*12
			At the center of intersection of Bayshore Drive and Horseshoe Loop Road.	*11
			At the center of intersection of Tarpon Road and Dolphin Lane.	*10
			At the center of intersection of Seaboard Coast Line Railroad and Armstrong Road.	*9
			At the center of intersection of 59th Street N.W. and Riverview Boulevard N.W.	*8
		Sarasota Bay	80 feet west from the center of intersection of Somerset Avenue and Longbay Boulevard.	*18
			170 feet southwest from the center of intersection of Bay Drive and Smith Avenue.	*17
			At the center of intersection of 22nd Street and Bay Drive.	*16
			At the center of intersection of Westmoreland Drive and Gaines Avenue.	*15
			At the center of intersection of Pearl Avenue and Broughton Drive.	*14
			At the center of intersection of Smith Avenue and Auburn Avenue.	*13
			At the center of intersection of 34th Street West and Bayshore Gardens Parkway.	*12
			At the center of intersection of 8th Street and Cortez Road.	*11
			550 feet southeast from the center of intersection of 7th Street North and Vacanti Street.	*10
		Lake Manatee	At the center of State Highway 64 crossing	*45

Maps are available for inspection at the Planning and Development Department, 212 6th Avenue East, Bradenton, Florida.

Send comments to the Honorable Edward W. Chance, 1115 Manatee Avenue West, Bradenton, Florida 33506.

Florida	Town of Yankeetown, Levy County	Gulf of Mexico	At westernmost end of Hodges Island	*21
			At intersection of Riverside Drive and 56th Street	*12

Maps available for inspection at Town Hall, Harmony Lane, Yankeetown, Florida 32698.

Send comments to Mayor Robert Rousch of Mr. Herbert Hessch, Zoning Officer, Town Hall, P.O. Box 280, Yankeetown, Florida 32698.

Illinois	(Uninc). Champaign County	Sangamon River	Just upstream of State Route 47	*684
			About 0.4 mile upstream of Interstate 74	*687
		McCullough Creek	Just upstream of Race Street	*718
			About 2,900 feet upstream of Race Street	*725
		Upper Boneyard Creek	About 750 feet upstream of Neil Street	*739
			About 2,200 feet upstream of Neil Street	*744
		Saline Branch	About 1,500 feet downstream of Interstate 74	*694
			About 1,400 feet upstream of Lincoln Ave	*717
		Phinney Branch	Just upstream of Interstate 57	*709
			Just downstream of Windsor Road	*726
		Salt Fork	About 0.52 mile downstream of Conrail	*664
			About 0.13 mile upstream of U.S. Route 150	*665
		Copper Slough	Just upstream of Interstate 57	*712
			About 500 feet upstream of Westbound Interstate 72	*734
			Just upstream of Conrail	*750

Maps available for inspection at the County Zoning Administrator's Office, 1905 East Main Street, Urbana, Illinois.

Send comments to Honorable Gary Adams, Chairman, Champaign County Board, Champaign County Courthouse Annex, Urbana, Illinois 61801.

Iowa	(C) Marshalltown, Marshall County	Iowa River	About 0.5 mile downstream of Chicago and Northwestern Railroad.	*861
			About 1,800 feet upstream of County Road E35	*867
			About 1 mile upstream of the confluence of Braddy Creek.	*381
		Linn Creek	At downstream corporate limit	*871
			Just upstream of South 6th Street	*883
			At upstream corporate limit	*901
		Anson Creek	Mouth at Linn Creek	*877
			Just upstream of South Center Street	*944

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Braddy Creek	Mouth at Iowa River	*879
			Just downstream of North 13th Street	*891
			Just upstream of North 13th Street	*896
			Just upstream of West Main Street	*924
Maps available for inspection at City Hall, P.O. Box #757, Marshalltown, Iowa.				
Send comments to Honorable Howard Stegelman, Mayor, City of Marshalltown, City Hall, P.O. Box #757, Marshalltown, Iowa 50158.				
Iowa	(Uninc.) Polk County	Fourmile Creek	City of Des Moines corporate limits	*823
			Just downstream of Chicago and North Western Railroad (downstream crossing).	*839
			Just downstream of Interstate 35	*898
			Just upstream of NE 110th Avenue	*910
			Just upstream of State Highway 87	*938
			Just downstream of NE 134th Street	*958
			Just upstream of NW 158th Avenue	*999
			At upstream County Boundary	*1,005
		Mud Creek	Just upstream of SE 56th Avenue	*780
			About 100 feet upstream of SE 20th Avenue	*803
			Just downstream of NE 12th Avenue	*830
			Just upstream of NE 27th Avenue	*853
			Just downstream of Chicago, Rock Island and Pacific Railroad (downstream crossing).	*892
			Just upstream of Chicago, Rock Island and Pacific Railroad (downstream crossing).	*897
			Just downstream of Chicago, Rock Island and Pacific Railroad (upstream crossing).	*904
			About 150 feet upstream of NE 80th Street	*909
			At City of Bondurant corporate limits (downstream crossing).	*921
		Mud Creek (above the City of Bondurant.	City of Boundurant corporate limits (upstream crossing).	*947
			Just downstream of NE 94th Avenue	*962
		Rock Creek	About 0.51 mile upsteram of mouth	*813
			Just upstream of State Highway 415	*883
			Just upstream of NE 102nd Avenue	*941
			Just downstream of Chicago and North Western Railroad.	*953
		Spring Creek	About 100 feet upstream of SE 82nd Street	*784
			About 100 feet upstream of SE 80th Street	*823
			Just downstream of State Highway 163	*860
			Just upstream of State Highway 163	*878
			Just downstream of NE 80th Street (downstream crossing).	*876
			Just upstream of NE 80th Street (downstream crossing).	*881
			Just downstream of NE 27th Avenue	*917
			About 100 feet upstream of NE 27th Avenue	*923
			Just upstream of NE 80th Street (upstream crossing)	*931
		Walnut Creek	At City of Chive corporate limits	*864
			Just upstream of U.S. Highway 6	*879
			About 1.45 miles upstream of U.S. Highway 6	*886
		North Walnut Creek	Just upstream of Meredith Drive	*892
			Just downstream of NW 100th Street	*907
			Just upstream of NW 100th Street	*913
			About 0.48 mile upstream of NW 100th Street	*914
		Tributary to Walnut creek	Mouth at Walnut creek	*878
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Roailroad.	*881
			About 1.3 miles upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*909
		Beaver Creek	City of Johnston Corporate limits (downstream crossing).	*822
			Just upstream of Herrold Street Herrold Street	*835
			Just downstream of State Highway 141	*842
		Little Beaver Creek	Mouth at Beaver Creek	*823
			Just upstream of NW 100th Street	*856
			Just upstream of State Highway 141	*877
			City of Grimes corporate limits (upstream crossing)	*919
		Little Beaver Creek tributary	Mouth at Little Beaver Creek	*914
			About 0.4 mile downstream of State Highway 44	*922
			Just downstream of Trail Ridge Road	*932
		Tributary A	Mouth at Little Beaver creek	*906
			About 100 feet downstream Chicago, Milwaukee, St. Paul and Pacific Railroad.	*918
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*925
			Just upstream of NW 142nd Street	*936
Maps available for inspection at the Physical Planning Department, 5698 N.W. 14th, Des Moines, Iowa.				
Send comments to Honorable Jack Bishop, Chairman of the Board of Supervisors, 2nd and Court, Des Moines, Iowa 50313.				
New Jersey	Brick, Township, Ocean County	Kettle Creek	Entire shoreline within community	*8
		Atlantic Ocean	Entire shoreline within community	*13
		Barnegat Bay	Mantoloking Road	*7
			Swan Point	*7
			Havens Points	*8
			Dutchman's Point Road	*7

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
		Metedeconk River	Dock Road extended	*8
		Manasquan River	Entire shoreline within community	*8

Maps available for inspection at the Brick Municipal Building, 401 Chambers Bridge Road, Brick, New Jersey.

Send comments to Honorable John H. Kinnevy, Mayor of the Township of Brick, 401 Chambers Bridge Road, Brick , New Jersey 08723.

New Jersey	Clinton, Township, Hunterdon County	South Branch Raritan River	Most downstream corporate limits	*202
			Gray Rock Road (upstream side)	*213
			1,575' upstream of Gray Rock Road	*219
			At corporate limits 3,110' downstream of Cokesbury Road.	*290
			Cokesbury Road (upstream side)	*314
			Most upstream corporate limits	*327
		Beaver Brook	Downstream corporate limits	*207
			Eastbound State Route 31 (upstream side)	*218
			Allerton Road (upstream side)	*234
			Upstream of CONRAIL crossing	*290
		South Branch, Rockaway Creek	Downstream corporate limits	*173
			Blossom Hill Road at first upstream corporate limits	*212
			At most upstream corporate limits with the Borough of Lebanon.	*221

Maps available for inspection at the Clinton Municipal Building, West Street, Clinton, New Jersey.

Send comments to Honorable Theodore Savage, Mayor of the Township of Clinton, P.O. Box 36, Annandale, New Jersey 08801.

New Jersey	Franklin Lakes, Borough, Bergen County	Hohokus Brook	Downstream corporate limits	*312
			Upstream side of dam above Forest Road	*325
			Upstream side of Pulis Avenue	*332
			Upstream side of spillway upstream of Woodside Avenue bridge.	*348
			Approximately 50 feet upstream of Old Mill Road	*365
			Upstream side of dam at DeYoes Pond	*373
		Pond Brook	Downstream corporate limits	*325
			Upstream side of CONRAIL bridge	*337
			Upstream side of dam upstream of Colonial Road	*370
			Upstream side of Summit Avenue	*408
			Upstream side of Old Mill Ruins upstream of Franklin Lakes Road bridge.	*418

Maps available for inspection at the Franklin Lakes Municipal Building, DeKorte Drive, Franklin Lakes, New Jersey.

Send comments to Honorable William J. Vichiconti, Mayor of the Borough of Franklin Lakes, DeKorte Drive, Franklin Lakes, New Jersey 07417.

New Jersey	Jersey City, City, Hudson County	Newark Bay	Western shoreline of community	*10
		Upper New York Bay	Eastern shoreline of community	*10

Maps available for inspection at the Division of Engineering, Public Works Building, 575 Route 440, Jersey City, New Jersey.

Send comments to Honorable Gerald McCann, Mayor of Jersey City, 280 Grove Street, Municipal Building, Jersey City, New Jersey 07302.

New Jersey	Neptune, Township, Monmouth County	Atlantic Ocean	Entire shoreline within community	*13
		Shark River	Shoreline at Sylvan Drive (extended)	*10

Maps available for inspection at the Neptune Township Municipal Building, 25 Neptune Boulevard, Neptune, New Jersey.

Send comments to Honorable Joseph M. Pepe, Mayor of the Township of Neptune, P.O. Box 1125, Neptune, New Jersey 07753.

New York	Corinth, Township, Saratoga County	Hudson River	Downstream corporate limits	*558
			Upstream corporate limits	*559
		Sturdevant Creek	At confluence with Hudson River	*559
			Upstream of corporate limits of Village of Corinth	*598
			Heath Road upstream	*616

Maps available for inspection at the Townhall, 600 Palmer Avenue, Corinth, New York 12822.

Send comments to Honorable Harry Waring, Supervisor of the Town of Corinth, Town Hall, 600 Palmer Avenue, Corinth, New York 12822.

New York	Corinth, Village, Saratoga County	Hudson River	Downstream corporate limits	*446
			Upstream Palmer Falls Dam	*524
			Upstream Curtis Mill Dam	*557
			Upstream corporate limits	*558
		Sturdevant Creek	At confluence with Hudson River	*558
			Upstream Maple Street	*566
			Downstream International Paper Company Railroad	*591
			Upstream corporate limits	*598

Maps available for inspection at the Village Hall, 260 Main Street, Village of Corinth, New York.

Send comments to Honorable Donald E. Williams, Mayor of the Village of Corinth, Village Hall, 260 Main Street, Village of Corinth, New York 12822.

New York	Halfmoon, Town, Saratoga County	Anthony Kill	Downstream corporate limits	*106
			Upstream of footbridge	*132
			Upstream of Coons Crossing Road	*156
			Upstream corporate limits	*160
		Dwaas Kill	Downstream corporate limits	*191
			Upstream corporate limits	*194
		Hudson River	Downstream corporate limits	*38
			Downstream Lock No. 2	*45
			Upstream corporate limits	*61
		Mohawk River	Downstream corporate limits	*193
			Upstream corporate limits	*198

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD).
Maps available for inspection at the Town Hall Building Department, Harris Road, Half Moon, New York.				
Send comments to Honorable John Dudek, Supervisor of the Town of Half Moon, Town Hall, Harris Road, Half Moon, New York 12188.				
New York	Kingston, City, Ulster County	Esopus Creek	Downstream corporate limits	*160
			Upstream corporate limits	*166
		Rondout Creek	Confluence with Hudson River	*9
			Upstream corporate limits	*10
		Hudson River	Entire shoreline within community	*9
Maps available for inspection at the Office of the City Engineer, City Hall, 1 Garranghan Drive, Kingston, New York.				
Send comments to Honorable Donald E. Quick, Mayor of the City of Kingston, City Hall, 1 Garranghan Drive, Kingston, New York.				
New York	Malta, Town, Saratoga County	Ballston Creek	Downstream corporate limits	*164
			Upstream of Interstate Route 87	*171
			Upstream of Ruhle Road	*190
			Upstream corporate limits	*256
		Morning Kill	Confluence with Kayaderosseras	*225
			Upstream corporate limits	*227
		Anthony Kill	Downstream corporate limits	*159
			Confluence with Round Lake	*160
		Kayaderosseras Creek	Confluence with Saratoga Lake	*210
			Upstream U.S. Route 9 South	*215
			Approximately 140 feet upstream of North Line Road	*225
			Upstream corporate limits	*228
		Round Lake	Entire shoreline within community	*160
		Saratoga Lake	Entire shoreline within community	*210
Maps available for inspection at the Town Hall, R.D. 3, Ballston Spa, New York.				
Send comments to Honorable David Meager, Supervisor of the Town of Malta, Malta Town Hall, R.D. 3, Ballston Spa, New York 12020.				
New York	Marcy, Town, Oneida County	Mohawk River	Most downstream corporate limits	*414
			Upstream New York State Thruway	*415
			Upstream Hayes Road	*417
			At corporate limits located downstream of River Street	*419
			Most upstream corporate limits	*420
		Ninemile Creek	Approximately 1,700' (.32 mile) upstream of Powell Road.	*499
			Approximately 4,600' downstream of Main Street	*507
			Approximately 2,900' (.55 mile) downstream of Main Street.	*514
			Upstream Main Street	*527
			Upstream corporate limits	*544
Maps available for inspection at the Town Hall, 9455 Toby Road, Marcy, New York 13403.				
Send comments to Honorable Frank Stooks, Supervisor of the Town of Marcy, 9455 Toby Road, Marcy, New York 13403.				
New York	Ulster, Town, Ulster County	Esopus Creek	Approximately 750' downstream of downstream CONRAIL crossing.	*83
			Approximately 125' upstream of downstream CONRAIL crossing.	*133
			Downstream of Leggs Mill Road	*150
			New York State Thruway—downstream side	*163
			Upstream corporate limits	*167
		Rondout Creek	Downstream corporate limits	*10
			Upstream corporate limits	*27
		Hudson River	Entire shoreline within community	*9
Maps available for inspectin at the Clerk's Office, Town Hall, Lake Katrine, New York.				
Send comments to Honorable Charles Rider, Supervisor, Town of Ulster, Town Hall, Lake Katrine, New York 12449.				
New York	Sylvan Beach, Village, Oneida County	Oneida Lake	Entire shoreline within the community	*373
		Erie Canal	Entire shoreline within the community	*323
		Wood Creek	Entire shoreline within the community	*373
		Fish Creek	Confluence with Erie Canal	*373
			Upstream corporate limits	*377
Maps available for inspection at the Municipal Building, Route 13, Sylvan Beach, New York.				
Send comments to Honorable Joseph DeFazio, Mayor of the Village of Sylvan Beach, P.O. Box 508, Sylvan Beach, New York 13157.				
New York	Vienna, Town, Oneida County	Fish Creek	Confluence with Erie Canal	*373
			Confluence of Mill Stream	*380
			Upstream State Route 49	*389
			Upstream Oswego Road	*401
			Confluence of West Branch of Fish Creek	*406
		Hall Brook	Confluence with Oneida Lake	*373
			Upstream State Route 49	*409
			Upstream of third crossing of Mill Road	*429
		Halstead Creek	Confluence with West Branch Fish Creek	*462
			Upstream McConnellsville Road	*490
		Mill Stream	Confluence with Fish Creek	*380
			Upstream State Route 49	*434
			Downstream Dam and Spillway	*490
		Murray Brook	Confluence with Oneida Lake	*373
			Approximately 1,435' upstream of West Lake Street	*420
			Upstream of dam	*476
		West Branch Fish Creek	Confluence with Fish Creek	*406
			Upstream County Route No. 69	*417

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 1.5 miles downstream of Factory Street	*440
			Confluence of Halstead Creek	*462
		Oneida Lake	Confluence with Erie Canal	*373
		Erie Canal	Confluence with Fish Creek	*373
Maps available for inspection at the Town Hall, Route 49, Vienna, New York.				
Send comments to Honorable George Harrison, Supervisor of the Town of Vienna, P.O. Box 127, North Bay, New York 13123.				
New York	Warrensburg, Town, Warren County	Hudson River	Upstream of State Route 418	*618
			Approximately 15,000' upstream of State Route 418	*635
			Approximately 25,000' upstream of State Route 418	*658
			Potter Brook Road extended	*687
			Upstream corporate limits	*709
		Schroon River	Confluence with Hudson River	*618
			Upstream of Pulp Mill Dam (breached)	*634
			Upstream of Milton Road	*649
			Upstream of New Street	*685
			Upstream of U.S. Route 9	*688
			Upstreram of Interstate 87	*701
			Upstream of bridge at USGS gage	*712
			Upstream corporate limits	*734
Maps available for inspection at the Emerson Town Hall, Assessor's Office, Main Street, Warrensburg, New York.				
Send comments to Honorable Charles E. Hastings, Supervisor of the Town of Warrensburg, Emerson Town Hall, Main Street, Warrensburg, New York 12885.				
Pennsylvania	Darby, Township, Delaware County	Darby Creek	Downstream corporate limits	*11
			Upstream Hook Road	*17
			Upstream corporate limits	*19
		Cobbs Creek	Confluence with Darby Creek	*19
			Upstream corporate limits	*20
		Muskinipatis Creek	Downstream corporate limits	*68
			Upstream footbridge	*83
			Upstream corporate limits	*93
Maps available for inspection at the Darby Township Building, 1063 Cedarwood Avenue, Glenolden, Pennsylvania.				
Send comments to Honorable Harry Modestl, Township Manager of Darby, 1063 Cedarwood Avenue, Glenolden, Pennsylvania 19036.				
Pennsylvania	Warwick, Township, Chester County	French Creek	County Park Road	*293
			Ridge Road (State Rouute 23 (upstream side)	*307
			CONRAIL (upstream side)	*418
			Approximately 90 feet downstream of Trythall Road	*446
Maps available for inspection at the Offie of Edward Fowler, Keen and Company, Routes 23 and 345, Warwick, Pennsylvania.				
Send comments to Honorable Edward Fowler, Chairman of the Warwick Township Board of Supervisors, R.D. 1, Box 164, Elverson, Pennsylvania 19520.				
Texas	Bonney, Town, Brazoria County	Oyster Creek	Southern corporate limits near Access Road (upstream side) located south of FM 655.	*44
			FM 655 (upstream side)	*45
			Northern corporate limits	*47
Maps available for inspection at the Town Hall, Rosharon, Texas.				
Send comments to Honorable Don Zwahr, Mayor of the Town of Bonney, Box 88, Rosharon, Texas 77583.				
Wisconsin	(V) Big Bend, Waukesha County	Fox River	Within the corporate limits	*780
Maps available for inspection at the Village Presiden't Office, Village Hall, W230 S9175 Nevins Street, Big Bend, Wisconisn.				
Send comments to Honorable Gary Arkin, Village President, Village Hall, W230 S9175 Nevins Street, Big Bend, Wisconsin 53103.				
Wisconsin	(V) Plover, Portage County	Wisconsin River	At downstream corporate limit	*1,046
			At upstream corporate limit	*1,047
Maps available for inspection at the Clerk's Office, Village Hall, 704 Washington Avenue, Plover, Wisconsin.				
Sent comments to Honorable Daniel H. Schlutter, Village President, Villiage of Plover, Village Hall, 704 Washington Avenue, Plover, Wisconsin 54467.				
Wisconsin	(V) Wyeville, Monroe County	South Fork Lemonweir River	Just upstream of Chicago and North Western Railroad	*917
			About 0.55 mile upstream of Chicago and North Western Railroad.	*918
Maps available for inspection at the Village President's Office, Village Hall, P.O. Box #47, Wyeville, Wisconsin.				
Send comments to Honorable Phyllis E. Sorensen, Village President, Village of Wyeville, Village Hall, P.O. Box #47, Wyeville, Wisconsin 54671.				

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

Issued: June 3, 1983.

Dave McLoughlin,

Deputy Associate Director, State and Local Programs and Support.

[FR Doc. 83-15921 Filed 6-15-83; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-490; RM-4395]

TV Broadcast Station in Fort Scott, Kansas and Poplar Bluff, Missouri; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 26 to Fort Scott, Kansas, as its first television assignment, in response to a petition filed by K of K Communications, Inc.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

In the matter of: amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Fort Scott, Kansas and Poplar Bluff, Missouri), MM Docket No. 83-490, RM-4395.

Proposed Rule Making

Adopted: May 9, 1983.

Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed March 7, 1983, by K of K Communications, Inc. ("petitioner") seeking the assignment of UHF television Channel 26 to Fort Scott, Kansas, as its first television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. Fort Scott (population 8,893),[1] seat of Bourbon County (population 15, 969), is located in eastern Kansas, approximately 140 kilometers (83 miles) south of Kansas City. It has no local TV service.

3. Petitioner states that Fort Scott has demonstrated remarkable population stability between the 1960 and 1980 censuses. Petitioner believes that Fort Scott is a vibrant area deserving a first television service.

4. The proposed assignment meets all spacing requirements if the offset of unused and unapplied for Channel *26 at Poplar Bluff, Missouri, is changed. In view of the above and the fact that Fort Scott could receive its first local commercial television broadcast service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following communities:

City	Channel No.	
	Present	Proposed
Fort Scott, Kansas		26-
Poplar Bluff, Missouri	15+, *26-	15+, *26+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Commissions Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and

[1] Population figures are taken from the 1980 U.S. Census Advance Reports.

Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16101 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-488; RM-4425]

TV Broadcast Stations in Gainesville, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 61 to Gainesville, Florida, as its third television service, as requested by Holt-Robinson Communications.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Gainesville, Florida), MM Docket No. 83-488, RM-4425.

Adopted: May 9, 1983.

Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition filed by Holt-Robinson Communications ("Holt") to assign UHF television channel 61 to Gainesville, Florida, as its third television outlet. Gainesville (population 81,371) [1] the seat of Alachua County (population 151,348), is located in north central Florida, approximately 105 kilometers (65 miles) southwest of Jacksonville, Florida. Holt states tht Gainesville, often referred to as the "University City," is the focal point for health and educational services throughout the state and is also the agricultural hub of Florida. Holt further states that if the proposed assignment is made, it will promptly apply for a construction permit to operate on the channel and will, if granted, construct and operate a new television station on the channel. The proposed assignment meets all minimum spacing requirements of our Rules.

2. In view of the foregoing, we conclude that the public interest would be served by our proposing an amendment of the TV Table of Assignments, § 73.606(b) of the Commission's Rules, for the following community:

City	Channel No.	
	Present	Proposed
Gainesville, Florida	*5-, 20	*5-, 20, 61+

3. The commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16103 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-487; RM-4403]

FM Broadcast Stations in Harbor Beach, Michigan, Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 288A to Harbor Beach, Michigan, as that community's first FM assignment, in response to a petition filed by Midwest Radio Consultants, Inc.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of; amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Harbor Beach, Michigan), MM Docket No. 83-487, RM-4403.

Adopted: May 9, 1983.

Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed March 15, 1983, by Midwest Radio Consultants, Inc. ("petitioner"), proposing the assignment of FM Channel 288A to Harbor Beach, Michigan, as that community's first local FM broadcast service. Petitioner submitted information in support of the proposal and expressed interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. Since the assignment of FM Channel 288A is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment would provide a first local FM broadcast service to Harbor Beach, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Harbor Beach, Michigan		288A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concering this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and

307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.402(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an orginal and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16104 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-482; RM-4402]

FM Broadcast Station in Williams, Arizona; Proposed Changes in Tables of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign FM Channel 257A to Williams, Arizona, in response to a petition filed by Soho Broadcasting. The assignment could provide Williams with a second local FM service.

DATES: Comments must be filed on or before July 18, 1983, and reply comments must be filed on or before August 2, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of: amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Williams, Arizona) MM Docket No. 83-482, RM-4402.

Adopted: May 4, 1983.

Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making has been filed by Soho Broadcasting ("petitioner"), seeking the assignment of Channel 257A to Williams, Arizona, as that community's second FM assignment.

2. Previously, Soho filed a petition for rule making seeking the assignment of Channel 244A to Williams, Arizona (BC Docket No. 81-714, RM-3930), which was granted by *Memorandum Opinion and Order*, adopted August 23, 1982, 47 FR 40168, published September 13, 1982. Thereafter, on October 21, 1982, petitioner filed an application for a construction permit to operate on Channel 244A (File No. 821021AC), followed on February 14, 1983, by a second application for than channel by T.A. Hunt and R. Hunter ("H&H") (File No. 830214AD).

3. In view of the second expression of interest in Channel 244A, petitioner requests that, in order to avoid a comparative hearing, the Commission consider amending the FM Table of Assignments to also assign Channel 257A to Williams, Arizona; grant the construction permit application of H&H for Channel 244A; and amend petitioner's construction permit application to specify Channel 257A in lieu of Channel 244A.

4. Based on petitioner's expression of interest in providing Williams with a second local FM service, Channel 257A will also be proposed for assignment. However, we cannot abide by petitioner's request to grant the construction permit for Channel 244A to H&H as a part of this rule making proceeding. Nor can we amend petitioner's application to specify Channel 257A, if assigned.

5. In accordance with *Ashbacker Radio Corp.* v. *FCC*, 326 U.S. 327 (1945), the addition of a new channel at a community requires that the assignment be made available for competing applications. Petitioner has not set forth any precedent for its request. Therefore, petitioner will have no protected rights as against other potential applicants for Channel 257A. If petitioner does in fact apply for Channel 257A, it will be required to withdraw its pending application for a construction permit for Channel 244A at that time. Petitioner is requested to set forth its intention to file for Channel 257A if assigned to Williams.

5. Accordingly, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Williams, Arizona	244A	244A, 257A

6. The Commission's authority to institute rule making procedings, showings required, cut-off procedures,

and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to lrule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in this proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) and 0.204(b) of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (see § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in the *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rule and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16105 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket 83-481; RM-4382]

TV Broadcast Station in Morton, Washington; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 39 to Morton, Washington, in response to a petition filed by the Daily Chronicle, Inc. The proposed assignment could provide for a first commercial television service to Morton.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Morton, Washington), MM Docket No. 83-481, RM-4382.

Adopted: May 4, 1983.

Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. The Daily Chronicle, Inc. ("petitioner") submitted a petition for rule making on February 16, 1983, requesting the assignment of UHF Television Channel 39 to Morton, Washington, as a first commercial television assignment. Petitioner stated that it, or an entity of which it is a part, will apply for the channel, if assigned.

2. Morton (population 1,264),[1] in Lewis County (population 55,279), is located in

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

western Washington, approximately 120 kilometers (75 miles) south of Seattle. Morton is currently without local television service.

3. In support of its proposal, petitioner submitted population data and statistics on the consumer spendable income and retail sales for Lewis County.

4. We believe that the petitioner's proposal warrants consideration. The assignment of Chanel 39 to Morton would require a site restriction of 1 mile north of the city to avoid short spacing to a construction permit on Channel 24 at Portland, Oregon. As Morton, Washington, is within 400 kilometers (250 miles) of the U.S.-Canadian border, Canadian coordination is required.

5. Comments are invited on the proposal to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Morton, Washington		39

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

9. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which had not been served on the person(s) who filed the comment to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16106 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-493; RM-4393]

FM Broadcast Stations in Gulf Breeze, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes a first FM assignment to Gulf breeze, Florida, in response to a petition filed by Eugene Hobdy.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of Assignments, FM Broadcast Stations, (Gulf Breeze, Florida), MM Docket No. 83-493, RM-4393.

Adopted: May 9, 1983.
Released: June 3, 1983.

By the Chief; Policy and Rules Division.

1. Eugene Hodby ("petitioner") submitted a petition for rule making on February 23, 1983, which seeks the assignment of Channel 237A to Gulf Breeze, Florida, as its first FM assignment. Petitioner stated his intention to apply for the channel, if assigned.

2. In an effort to demonstrate a need for the requested assignment, petitioner submitted population and community data. In view of the action taken in *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982), this information is no longer needed in this type of proceeding.

3. We have determined that Channel 237A can be assigned to Gulf Breeze in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 5.6 miles northeast of the city. This restriction is necessary to avoid short-spacing to Station WKSJ-FM (Channel 235), Mobile, Alabama.

4. In view of the fact that the proposal could provide a first local broadcast service to Gulf Breeze, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

City	Channel No.	
	Present	Proposed
Gulf Breeze, Florida		237A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend § 73.202(b), 73.504 and 73.606(b) of the Commission's Rules* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended, and §§ 0.281(b)(6) and 0.204(b) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16120 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-498; RM-4306]

TV Broadcast Stations in Miami, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF Television Channel 35 to Miami, Florida, as the result of a petition by Harry C. Powell, Jr. The assignment could provide a ninth commercial TV service to Miami.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or befor August 2, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assigments, TV Broadcast Stations (Miami, Florida), MM Docket No. 83-498, RM-4306.

Adopted: May 5, 1983.
Released: June 6, 1983.
By the Chief; Policy and Rules Division.

1. The Commission has before it a petition by Harry C. Powell, Jr. ("Powell") to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules, by adding UHF Television Channel 67 to Miami, Florida. Powell states that, if the channel is assigned as requested, either he or an entity of which he is a part, will promptly apply for operation on the channel.

2. Miami (population 346,934) [1] is the county seat of Dade County (population 1,625,979) and is located in southeastern Florida.

3. Powell's Channel 67 proposal cannot be acted upon because it is short spaced to a proposal to add Channel 67 to Lake Worth, Florida, BC Docket No. 82-597. Moreover, his proposal cannot be accepted as a counterproposal in that docket because it is untimely. However, Channel 35 could be assigned to Miami with a site restriction of 7.8 miles southwest of the city to avoid a short-spacing conflict with Station WDZL, Channel 39, Miami.

4. We conclude that the public interest would be served by our seeking comments on a proposal to amend § 73.606(b) of the Commission's Rules, the TV Table of Assignments by adding Channel 35 to Miami, Florida, as its ninth commercial TV service, as follows:

City	Channel No.	
	Present	Proposed
Miami, Florida	*2, 4, 6, 7-, 10+, *17-, 23-, 33, 39, 45+.	*2, 4, 6, 7-, 10+, *17-, 23-, 33, 35, 39, 45+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are

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[1] Population figures are taken from the 1980 U.S. Census Advance Report.

filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16135 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-492; RN-4405]

FM Broadcast Stations in Wamego, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 237A to Wamego, Kansas, as its first FM assignment in response to a petition filed by Cheryl A. Stallard.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Wamego, Kansas), MM Docket No 83-492, RN-4405.

Adopted: May 9, 1983.

Released: June 2, 1983.

By the Chief, Policy and Rules Division:

1. A petition for rule making was filed March 16, 1983, by Cheryl A. Stallard ("petitioner") seeking the assignment of Channel 237A to Wamego, Kansas, as its first FM assignment. Petitioner submitted information in support of the proposal and stated that she will apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Wamego, Kansas, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Wamego, Kansas		237A

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* 46 FR 11549, Published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this appendix is attached proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16121 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-479; RM-4390]

TV Broadcast Stations in Paintsville and West Liberty, Kentucky; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to reassign UHF Television Channel 69 from Paintsville, Kentucky, to West Liberty, Kentucky, as its first television assignment, in response to a petition by Morgan Supply Company.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Paintsville and West Liberty, Kentucky). MM Docket No. 83-479, RM-4390.

Adopted: May 4, 1983.

Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition by Morgan Supply Company ("Morgan") to reassign UHF Television Channel 69 from Paintsville, Kentucky, to West Liberty, Kentucky. The channel was assigned to Paintsville on May 19, 1981, 46 FR 30089, in response to a request from Hometown Television, Inc. No application has been filed for operation of a station on the channel. Morgan states that no other UHF channel is available for use at West Liberty. Morgan states further that it will promptly apply for a construction permit on Channel 69 at West Liberty, if the reassignment is made.

2. West Liberty (population 1,381),[1] the seat of Morgan County (population 12,103), is located in eastern Kentucky, approximately 110 kilometers (80 miles) east of Lexington, Kentucky. It has no local TV service.

3. Paintsville (population 3,815), the seat of Johnson County (population 24,432), is located approximately 42 kilometers (26 miles) east of West Liberty. It has one unoccupied and unapplied for channel (69). Inasmuch as no interest has been expressed in use of the channel at Paintsville and Morgan would provide a first television outlet in West Liberty, we believe that the public interest would be served by the proposal to amend the TV Table of Assignments, § 73.606(b) of our Rules, as follows:

City	Channel No.	
	Present	Proposed
Paintsville, Kentucky	69+	
West Liberty, Kentucky		69+

4. The Commission's authority to institute rule making proceedings, showing required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Philip S. Cross, Mass Media Bureau, (202) 632-5414. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

[1] Population figures are taken from the 1980 U.S. Census Advance Reports.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompained by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16109 Filed 6-15-83 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-499; RM-4391]

FM Broadcast Stations in Van Buren, Indiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 257A to Van Buren, Indiana, as its first FM assignment in response to a petition filed by William Edwin Loucks.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Van Buren, Indiana), MM Docket No. 83-499, RM-4391.

Adopted: May 5, 1983.

Released: June 6, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 22, 1983, seeking the assignment of Channel 257A to Van Buren, Indiana, as its first FM assignment. The requested assignment is short spaced by 5 miles to the current location of Station WZPL (Channel 258), Greenfield, Indiana. However, Station WZPL was recently granted a construction permit to move its transmitter. Based on this move taking place, the Van Buren channel can be assigned provided that a 1.2 mile north site restriction is adhered to. Petitioner failed to state that he would apply for the channel, if assigned. He merely indicated that he would be a possible owner with an undetermined percentage. Petitioner should indicate in comments a specific commitment.

2. Since the proposed assignment of Channel 257A to Van Buren, Indiana, is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Van Buren, Indiana, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Van Buren, Indiana		257A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983 and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assigment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petition for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendiix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16114 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-480; RM-4386]

FM Broadcast Stations in Baraga, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign Class C FM Channel 278 to Baraga, Michigan, in response to a petition filed by Keweenaw Bay Tribal Center. The proposed assignment could provide a first FM service to that community.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of Assignments, FM Broadcast Stations (Baraga, Michigan), MM Docket No. 83-480, RM-4386.

Adopted: May 4, 1983.

Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making by Keweenaw Bay Tribal Center, ("petitioner") was filed March 2, 1983, proposing the assignment of Class C FM Channel 278 to Baraga, Michigan, as its first FM assignment. Petitioner submitted information in support of the proposal but failed to state that it would apply for the channel, if assigned. It is expected to do so in its comments. A site restriction of 5.3 miles south of Baraga is required to avoid short spacing to unused Channel 279C in Nipigan, Ontario (Canada).

2. Since Baraga, Michigan, is located within 320 kilometers (20 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Baraga, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Commission's Rules, with respect to the following community:

City	Channel No.	
	Present	Proposed
Baraga, Michigan		278

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in

the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel that was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in § 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, and original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16108 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-496; RM-4384]

TV Broadcast Station in Cadillac, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 33 to Cadillac, Michigan, as its third television assignment in response to a petition filed by the GRK Productions.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of: amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Cadillac, Michigan), MM Docket No. 83-496, RM-4384.

Adopted: May 9, 1983.

Released: June 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed February 18, 1983, by GRK Productions ("petitioner") seeking the assignment of UHF Television Channel 33 to Cadillac, Michigan, as its third television assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements and other criteria.

2. Cadillac (population 10,199),[1] seat of Wexford County (population 25,102), is

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

located approximately 280 kilometers (175 miles) northwest of Detroit, Michigan..

3. Since Cadillac, Michigan, is located within 402 kilometers (250 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

4. In view of the fact that Cadillac could receive its third local television broadcast service, the Commission believes it is appropriate to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Cadillac, Michigan	9, *27	9, *27, 33+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 F.R. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16117 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-497; RM-4404]

FM Broadcast Stations in Glen Arbor, Michigan; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 232A to Glen Arbor, Michigan, as that community's first FM assignment, in response to a petition filed by Midwest Radio Consultants, Inc.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Glen Arbor, Michigan), MM Docket No. 83-497, RM-4404.

Adopted: May 9, 1983.

Released: June 6, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed March 15, 1983, by Midwest Radio Consultants, Inc. ("petitioner"), seeking the assignment of Channel 261A to Glen Arbor, Michigan, as its first FM broadcast service. Petitioner submitted information in support of the proposal and expressed its interest in applying for the channel, if assigned.

2. The requested assignment is short-spaced to a proposal for Channel 261A in Bear Lake, Michigan. Our staff has determined that Channel 232A in Glen Arbor meets all spacing requirements.

3. Since the assignment of Channel 232A to Glen Arbor, Michigan is within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian concurrence must be obtained.

4. In view of the fact that the proposed assignment could provide a first local FM broadcast service to Glen Arbor, Michigan, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Glen Arbor, Michigan		232A

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of The Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See §1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding wil be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16116 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-491; RM-4420]

FM Broadcast Station in Baker, Oregon; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Class C Channel 284 to Baker, Oregon, as that community's second FM assignment, in response to a petition by James T. Frakes.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Baker, Oregon), MM Docket No. 83-491, RM-4420.

Adopted: May 9, 1983.

Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed March 31, 1983 by James T. Frakes ("petitioner"), seeking the assignment of Class C FM Channel 284 to Baker, Oregon as that community's second FM assignment. Petitioner submitted information in support of the proposal and expressed his interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

2. In view of the fact that the proposed assignment could provide a second local FM broadcast service to Baker, Oregon, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Baker, Oregon		237A, 284

3. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

4. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

5. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

6. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a massage (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitoner consititutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in section 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in intital comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies

of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16112 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-478; RM-4371]

TV Broadcast Stations in Blanco, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule

SUMMARY: This action proposes to assign UHF television Channel 52 to Blanco, Texas as its first television assignment in response to a petition filed by Opal Chadwell.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Blanco, Texas), MM Docket No. 83-478, RM-4371

Adopted: May 4, 1983.

Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed February 3, 1983, by Opal Chadwell ("petitioner") seeking the assignment of UHF television Channel 52 to Blanco, Texas, as its first television asignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned.

2. Since Blanco is located within 320 kilometers (199 miles) of the U.S.-Mexican border, the proposed assignment requires the concurrence of the Mexican government.

3. Blanco (population 1,179)[1] in Blanco County (population 4,681), is located in central Texas approximately 72 kilometers (45 miles) west of Austin, Texas.

4. In view of the fact that Blanco could receive its first local television service, we shall seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following community:

City	Channel No.	
	Present	Proposed
Blanco, Texas		52+

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules.* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 4, 303, 48 stat., as amended, 1068, 1082; 47 U.S.C. 154, 303.)

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in §§ 4(i), (5)(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will be govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

4. *Comments and Reply Comments: Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16111 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-477; RM-4397]

FM Broadcast Stations in Antigo, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of FM Channel 280A to Antigo, Wisconsin as its second FM assignment in response to a petition filed by Stewart-Monroe Broadcast Enterprises.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Antigo, Wisconsin), MM Docket No. 83-477, RM-4397.

Adopted: May 4, 1983.

Released: June 1, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 18, 1983, by Stewart-Monroe Broadcast Enterprises ("petitioner") proposing the assignment of Channel 280A to Antigo, Wisconsin, as its second FM assignment. Petitioner submitted information in support of the proposal but failed to express an interest in applying for the channel, if assigned. It is expected to do so in its comments. A site restriction of 6.7 miles east of Antigo is required to avoid short spacing to Station WWIB (Channel 279), Ladysmith, Wisconsin, and to Station WWRW (Channel 277) in Wisconsin Rapids, Wisconsin.

2. Since the proposed asignment of Channel 280A to Antigo, Wisconsin, is located within 320 kilometers (200 miles) of the U.S.-Canadian border, Canadian clearance must be obtained.

3. In view of the fact that the proposed assignment could provide a second local FM broadcast service to Antigo, Wisconsin, the Commission believes it is appropriate to propose amending the FM Table of Assignments (§ 73.202(b) of the Commission's Rules), with respect to the following community.

City	Channel No.	
	Present	Proposed
Antigo, Wisconsin	287	280A, 287

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the persons(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the

consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply coments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rule and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16110 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-494; RM-4394]

FM Broadcast Stations in Trempealeau, Wisconsin; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 288A to Trempealeau, Wisconsin, in response to a petition filed by Greater Trempealeau Broadcasting Company. The proposed assignment could provide a first FM service to Trempealeau.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Trempealeau, Wisconsin), MM Docket No. 83-494, RM-3494.

Adopted: May 9, 1983.

Released: June 2, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed on February 28, 1983, by Greater Trempealeau Broadcasting Company ("petitioner"), proposing the assignment of Channel 288A to Trempealeau, Wisconsin, as its first FM assignment. Petitioner expressed its desire to apply for the channel, if assigned.

2. The proposed assignment of Channel 288A to Trempealeau can be made in conformity with the minimum distance separation requirements, provided the transmitter site is located approximately 4.9 miles southwest of the city. [1] This restriction is necessary to avoid short-spacing to Station WCFW(FM) (Channel 288A) at Chippewa Falls, Wisconsin.

3. In view of the foregoing and the fact that the proposed assignment could provide a first FM service to Trempealeau, the Commission proposes to amend the FM Table of Assignments, § 73.202(b) of the Rules, with regard to the following community:

[1] Petitioner proposed a transmitter site 5.1 miles southwest of the city.

City	Channel No.	
	Present	Proposed
Trempealeau, Wisconsin		288A

4. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

5. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

6. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 F.R. 11549, published February 9, 1981.

7. For further information concerning this proceeding, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment to which the reply is directed constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and

307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, *it is proposed to amend* the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16119 Filed 6-15-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-495; RM-4407]

TV Broadcast Stations in Claremore and Tulsa, Oklahoma; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to reassign UHF noncommercial television Channel *35 from Tulsa, Oklahoma, to Claremore, Oklahoma, and to assign Channel *59 to Tulsa, Oklahoma, in response to petition for rule making.

DATES: Comments must be filed on or before July 18, 1983, and reply comments on or before August 2, 1983.

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

FOR FURTHER INFORMATION CONTACT: Mark N. Lipp, Mass Media Bureau, (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rule Making

In the matter of Amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Claremore and Tulsa, Oklahoma), MM Docket No. 83-495, RM-4407.

Adopted: May 9, 1983.
Released: June 3, 1983.
By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making filed March 18, 1983, by Rogers State College, seeking the reassignment of UHF noncommercial educational television Channel *35 from Tulsa, Oklahoma, to Claremore, Oklahoma. Petitioner also proposed the assignment of non-commercial educational UHF television Channel *53 to Tulsa, Oklahoma, to replace Channel *35. Petitioner submitted information in support of the proposal and expressed an interest in applying for the Claremore channel, if assigned.

2. Channel *35 in Claremore meets all spacing requirements. However, the assignment of Channel *53 to Tulsa, Oklahoma, is mutually exclusive with a petition from Harry C. Powell (MM Dkt. 83-241) requesting the assignment of Channel 53 to Tulsa for commercial use. As an alternative, we have determined that Channel *59 can be assigned and reserved at Tulsa for noncommercial educational use in compliance with all spacing requirements.

2. Claremore (population 12,085)[1], seat of Rogers County (population 46,436), is located approximately 40 kilometers (25 miles) northeast of Tulsa. It has no local TV service.

4. In view of the fact that Claremore, Oklahoma, could receive its first noncommercial educational television broadcast service, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with respect to the following communities:

City	Channel No.	
	Present	Proposed
Claremore, Oklahoma.	.....	*35
Tulsa, Oklahoma.	2+, 6+, 8-, *11-, 23, *35-, 41+, and 47.	2+, 6+ 8-, *11-, 23, 41+, 47, 53, and *59

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channmel will be assigned.

6. Interested parties may file comments on or before July 18, 1983, and reply comments on or before August 2, 1983, and are advised to read the Appendix for the proper procedures.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules.

[1] Population figures are taken from the 1980 U.S. Census Advance Report.

See, *Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules*, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration, or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making, other than comments officially filed at the Commission, or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc. 83-16118 Filed 6-15-83; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Federal Motor Vehicle Safety Standards; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration (NHTSA), Dot.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice explains the denial of a petition for rulemaking submitted by Ms. Margo Savitz to amend Safety Standard No. 208 to preclude the use of seat belts having automatic locking retractors in rear seats of vehicles. The petition stated that these seat belts tighten excessively on small children and cause extreme discomfort. The petition is being denied because the agency has previously considered this issue during a rulemaking proceeding and determined that considerations other than comfort make use of these retractors advantageous in rear seating positions.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Nelson, Office of Vehicle Safety Standards National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590 (202-426-2264).

SUPPLEMENTARY INFORMATION: Ms. Margo Savitz submitted a petition for rulemaking stating that the rear seat belts on her passenger car do not work properly on small children (3-4 years of age) because they continually retract and get tighter, thereby causing great discomfort. Ms. Savitz requested that another design of seat belt be required for rear seating positions.

Safety standard No. 208, *Occupant Crash Protection* (49 CFR 571.208), currently requires lap belts to be equipped with either automatic locking retractors (ALR's) or emergency locking retractors, in order to assure that belts are sufficiently tightened to be effective in the event of a crash. Emergency locking retractors are sensitive to vehicle deceleration (either directly or indirectly) and lock only when there is an accident. These retractors allow occupant movement without tightening when the belt is fastened, i.e., the belts do not lock until they are needed. On the other hand, ALR's lock to hold the occupant in place as soon as the belt is fastened. Moreover, if the occupant compresses the seat cushion as a result of movement, the belt can tighten further, making it necessary to unbuckle and refasten the belt if pressure becomes too great. This is the comfort problem to which the subject petition refers.

The agency considered the issues raised in Ms. Savitz's petition in a rulemaking proceeding commenced in 1979 to improve the comfort and convenience of seat belt systems. (See NPRM, 44 FR 77210, December 31, 1979; Final Rule, 46 FR 2064, January 8, 1981.) That proceeding recognized the comfort problems caused by ALR's and amended Standard No. 208 to preclude their use in the lap belt portion of belts installed in *front* outboard seating positions (this amendment is not yet effective; NPRM issued November 15, 1982, to delay effective date for two years until September 1, 1985, 47 FR 51432).

However, other overriding considerations led the agency to conclude that ALR's should not be prohibited in *rear* seating positions. The primary reason for this conclusion is that automatic locking retractors are better suited for use with child restraint systems than emergency locking retractors. Since emergency locking retractors allow movement when the belt is fastened, the child restraint system could slide out of position prior to a crash if the retractor cannot be locked manually. Given the low usage rate of rear seats compared to front seats and considering the cost of installing emergency locking retractors equipped with manual locking devices in rear seats, the agency determined that the requirement for emergency locking retractors should not apply to rear seats (although these retractors are permitted in rear seats, at the option of the manufacturer).

It is the agency's position that small children should be placed in child restraints in the rear seats rather than in front seating positions or in rear seating positions restrained by a lap belt only. NHTSA crash statistics show that a child restraint installed in the rear seat of a passenger car is the safest environment for small children during a crash. Since this is true, the agency encourages the use of child restraints in rear seats, and ALR's facilitate the proper use of these devices. If child

restraints are used, the comfort problems mentioned in the petition will not occur because the ALR tightens the seat belt against the restraint system and not against the child.

Ms. Savitz's petition did not provide any information which would cause the agency to reverse the conclusions it had reached in the above-referenced rulemaking proceeding. In consideration of this fact, the petition is hereby denied.

(Secs. 103, 119, Pub. L. 89–563 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 9, 1983.

Kennerly H. Digges,

Acting Associate Administrator for rulemaking.

[FR Doc. 83–16020 Filed 6–15–83; 8:45 am]

BILLING CODE 4910–59–M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1152

[Ex Parte No. 274 (Sub-No. 8A)]

Exemption of Out of Service Lines (Discontinuance of Service and Trackage Rights)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking and exemption.

SUMMARY: We propose to expand the exemption granted in Ex Parte No. 274 (Sub-No. 8), *366* I.C.C. *885*, which exempts abandonments of rail lines which have been out of service for at least 2 years by also exempting from regulation under 49 U.S.C. 10505 the discontinuance of service and of trackage rights over rail lines which have been out of service for at least 2 years. It appears that, as with abandonments, there is no evident need for the service and no shipper would be adversely affected by the discontinuance of service over a line or the discontinuance of trackage rights when no traffic has been handled locally on the line by the carrier seeking the discontinuance for at least 2 years. Carriers using this exemption will remain subject to standard employee protective conditions. We invite public comment on this proposal.

DATES: Comments must be submitted by July 18, 1983.

ADDRESSES: Send an original and 10 copies of comments to: Interstate Commerce Commission, Office of the Secretary, Room 2215, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. For a copy of the full decision, contact the Office of the Secretary, Interstate Commerce Commission, Room 2215 Twelfth and Constitution Avenue, N.W., Washington, DC 20423, or call (202) 275–7428.

The Secretary of the Commission has certified that this action will not have a significant economic impact on a substantial number of small entities. If no service has been performed for at least 2 years, small entities that could conceivably be served either were not dependent on that service or have made other arrangements for service.

List of Subjects in 49 CFR Part 1152

Administrative practice and procedure; Railroads; Reporting and record keeping requirements' uniform system of accounts.

This action is proposed under the authority of 49 U.S.C. 10321 and 10505, and 5 U.S.C. 553.

It does not appear that this action will significantly affect the quality of the human environment or the conservation of energy resources.

Decided: June 3, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, and Commissioners Andre and Gradison.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–16150 Filed 6–15–83; 8:45 am]

BILLING CODE 7035–01–M

Notices

Federal Register
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Thursday, June 16, 1983

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Meeting of Study Committee To Study Alternative Methods of Establishing Premiums and Discounts for the Upland Cotton Loan Program

1. Meeting

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following committee meeting.

Name: Study Committee to Study Alternative Methods of Establishing Premiums and Discounts for the Upland Cotton Loan Program.

Date: July 6 and 7, 1983.

Place: U.S. Department of Agriculture, 14th and Independence Avenue S.W., Room 4960 South Building, Washington, D.C. 20250.

Time: 9:00 a.m.—4:00 p.m.

Purpose: To consider methods of establishing premiums and discounts for grade, staple and micronaire for 1984 and subsequent crops of upland cotton that will represent true relative market values and reflect actual market demand for upland cotton produced in the United States. The committee shall submit the results of the study to the Secretary at the earliest practicable date together with recommendations as the committee considers appropriate.

Agenda: The agenda will include consideration of methods of establishing premiums and discounts for the 1984 and subsequent crops.

The meeting will be open to the pub.ic but space and facilities are limited. Public participation will be limited to written statements submitted before the meeting to the Chairman unless their participation is otherwise requested by the Committee Chairman. Written statements should be sent Charles V. Cunningham, Deputy Director, Analysis Division, ASCS, Room 3741 South Building, P.O. Box 2415, Washington D.C. 20013, telephone (202) 447–7954.

Signed at Washington, D.C., on June 13, 1983.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83–16144 Filed 6–15–83; 8:45 am]

BILLING CODE 3410–05–M

Federal Grain Inspection Service

Request for Comments on Need for Service in North Central Texas and Request for Designation Applicants to Perform Official Services (TX)

AGENCY: Federal Grain Inspection Service, USDA.

ACTION: Notice.

SUMMARY: This notice requests comments on the need for official inspection service in a currently unassigned area in North Central Texas. At the same time it requests applications from interested parties for designation as an official agency to provide official inspection services in this area.

DATE: Applications and comments to be postmarked on or before July 18, 1983.

ADDRESS: Applications should be submitted to James R. Conrad, Chief, Regulatory Branch, Compliance Division, Federal Grain Inspection Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Room 1647, South Building, Washington, D.C. 20250; telephone (202) 447–8525. All applications received will be made available for public inspection at the above address during regular business hours.

Comments must be submitted in writing, in duplicate, to Lewis Lebakken, Jr., Regulations and Directives Management Staff, Resources Management Division, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 0667, South Building, 1400 Independence Avenue, SW., Washington, D.C. 20250; telephone (202) 382–1738. All comments received will be made available for public inspection at the above address during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: James R. Conrad, telephone (202) 447–8525.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Secretary's Memorandum 1512–1; therefore, the Executive Order and Secretary's Memorandum do not apply to this action.

Section 7(f)(1) of the U.S. Grain Standards Act, as amended (7 U.S.C. *et seq.*, at 79(f)(1)) (Act), specifies that the Administrator of the Federal Grain Inspection Service (FGIS) is authorize, upon application by any qualified agency or person, to designate such agency or person to perform official services after a determination is made that the applicant is better able than any other applicant to provide such official services in an assigned geographic area. Applications submitted and other available information will be considered in making a determination as to which applicant will be designated to provide official services in a georgraphic area..

Interested parties are hereby given opportuinty to apply for designation as the official agency to perform official services in the geographic area, as specified below, under the provisions of Section 7(f) of the Act and § 800.196(b) of the regulations issued thereunder. Parties wishing to apply for this designation should contact the Regulatory Branch, Compliance Division, at the address listed above for appropriate forms and information. Applications must be postmarked not later than July 18, 1983 to be eligible for consideration.

Pursuant to Section 7(f)(2) of the Act, the geographic area that may be assigned to the applicant selected for designation is the following Counties in North Central Texas: Archer, Baylor, Callahan, Cottle, Eastland, Erath, Fisher, Foard, Haskell, Hood, Jack, Jones, King, Knox, Montague, Nolan, Palo Pinto, Parker, Shackelford, Somerville, Stephens, Stonewall, Taylor, Throckmorton, Wise, and Young.

This geographic area available for assignment has never previously been assigned to an official agency. FGIS has information that there will be a need for official inspection service in this area. Comments are solicited on the need for such service in North Central Texas. All comments must be submitted to the Regulations and Directives Management Staff, Resources Management Division, specified in the address section of this notice, and postmarked not later than July 18, 1983.

A 30-day period for submission of comments and applications is deemed appropriate so as to permit the performance of official inspection service, if determined to be needed, at the earliest possible time. Consideration will be given to comments and to all other available information before a final decision is made in this matter.

(Sec. 8, Pub. L 94–582, 90 Stat. 2873 (7 U.S.C. 79))

Dated: June 13, 1983.

J. T. Abshier,

Director, Compliance Division.

[FR Doc. 83–16133 Filed 6–15–83; 8:45 am]

BILLING CODE 3410–EN–M

Forest Service

Lincoln National Forest Grazing Advisory Board; Meeting

The Lincoln National Forest Grazing Advisory Board will meet at 9:00 a.m., July 15, 1983, at the Multipurpose Room, Cloudcroft High School, Cloudcroft, New Mexico. The agenda for the meeting will be as follows:

(a) Reading of Minutes of January 27, 1983, meeting;

(b) Installation of officers;

(c) Management Plans update;

(d) Scott Able Allotment Management Plan;

(e) Range Betterment Funds.

Other items to be discussed are environmental analyses and assessments, Term 10-Year Grazing Permits, permittee/USFS law enforcement, fencing and maintenance requirements, and off-road travel for allotment management.

Persons who wish to attend should notify Don Cunico, Lincoln National Forest Supervisor's Office, Federal Building, 11th & New York, Alamogordo, New Mexico (Telephone: 505–437–6030). Written statements may be filed with the Board before or after the meeting.

Rules for public participation will be established at the meeting.

James R. Abbott,

Forest Supervisor.

June 8, 1983.

[FR Doc. 83–16199 Filed 6–15–83; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 20–83]

Foreign-Trade Zone 8, Toledo, Ohio; Application for Subzone at Jeep Corporation Plants in Toledo

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Toledo-Lucas County Port Authority, grantee of Foreign-Trade Zone 8, requesting subzone status for the vehicle manufacturing facilities of Jeep Corporation, a subsidiary of American Motors Corporation, in Toledo, Ohio, within the Toledo Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on June 6, 1983. The applicant is authorized to make this proposal under section 1743.11 of the Ohio Revised Code.

On October 11, 1960, the Board authorized the Port Authority to establish a foreign-trade zone in Toledo (Board Order 51, 25 FR 9909, 10–15–60). the project currently involves a 135,000 square foot warehouse within the Port of Toledo's 135 acre general-cargo facility on Lake Erie.

The proposed subzone involves Jeep Corporation's two manufacturing facilities in Toledo, Ohio. One plant covers 108 acres at 940 North Cove Boulevard and the other 230 acres at 4000 Stickney Avenue. The plants produce four wheel-drive passenger vehicles. Most of the parts and material are purchased from domestic sources, with less than 5 percent purchased from foreign plants. Foreign parts include optional engines and transmissions, valves, springs, radios, relays and mirrors. Some 35 to 40 percent of the plant's output is exported.

Zone procedures will exempt Jeep from paying duties on foreign components used for its exports. On its domestic sales, the company will be able to take advantage of the same duty rate available to importers of finished vehicles. The average duty rate for the foreign components used by Jeep is 4.2 percent, whereas the rate for finished passenger vehicles is 2.8 percent. The savings from zone procedures are expected to help the company compete more effectively in foreign and domestic markets with comparable vehicles produced abroad.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, D.C. 20230; John F. Nelson, District Director, U.S. Customs Service, 55 Erieview Plaza, 6th Floor, Cleveland, Ohio 44114; and Colonel Robert R. Hardiman, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, NY 14207.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before July 13, 1983.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 136 N. Summit Street, Toledo, Ohio 43604.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1872, 14th and Pennsylvania, NW., Washington, D.C. 20230.

Dated: June 10, 1983.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 83–16163 Filed 6–15–83; 8:45 am]

BILLING CODE 3510–25–M

International Trade Administration

Certain Stainless Sheet and Strip Products From France: Amendment to Final Determinations of Sales at Less Than Fair Value

Correction

In FR Doc. 83–15020, beginning on page 25244, in the issue of Monday, June 6, 1983, on page 25245, in the second column, the first line of the table should read "Cold-rolled stainless steel strip:"

BILLING CODE 1505–01–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for Barbers Point Deep Draft Harbor, Ewa, Oahu, Hawaii

AGENCY: Army Corps of Engineers, Honolulu District, DOD.

ACTION: Notice of Intent to Prepare a draft Supplemental Environmental Impact Statement (SEIS).

SUMMARY: 1. Construction of a deep draft harbor at Barbers Point, Ewa, Oahu, Hawaii is currently underway. This second supplemental EIS evaluates the environmental consequences of detailed master planning now being prepared by the local sponsor, the State of Hawaii Department of Transportation.

2. Alternative harbor sites or basin-channel configurations are not being considered. Alternative types, locations

and construction phasing of shoreside facilities will be addressed. Harbor facility construction is currently divided into three approximate implementation phases (1985–1993, 1993–1998, and 1999–2000) leading to a Year 2000 Plan and an undetermined phase leading to the Ultimate Development Plan by 2030. Most on- and off-site grading, drainage, emplacement of utilities and provision of administrative buildings would be accomplished in the first phase. Phase I consruction of piers, concrete aprons, paved storage areas and storage sheds for general cargo, dry-bulk cargo and liquid bulk cargo, including propane and high explosives would occur in the southern quadrant of the harbor area. Subsequently phased construction would occur counter-clockwise around the harbor with a new general cargo berth being constructed in the 3rd phase and a possible coal terminal berth in the 4th phase. Provision for recreational facilities as proposed in earlier planning are not addressed in the current preliminary master plan.

3. a. The State of Hawaii Department of Transportation is the principal cooperating agency in preparation of the Supplement. Other affected Federal, State or County agencies and other interested parties are invited to participate in the identification and evaluation of key issues and environmental impacts associated with planning for harbor-related facilities.

b. The scoping process and the Supplement will also update the public on environmental issues raised and environmental studies and coordination accomplished since filing the Final EIS in December 1976 and the first Supplement in February 1977, and it will summarize the environmental impacts associated with recent project changes which were addressed in an Environmental Assessment prepared in December 1982. An Information Packet discussing these various issues and impacts has been prepared and will be made available upon request.

c. Scoping meetings will be held with concerned agencies. If response to this notice indicates a significant desire for a public meeting, the District Engineer shall specify whether, when and where the public meeting will be held.

d. Significant issues which shall be analyzed in depth include primary and secondary socio-economic effects of the harbor facilities and their operation, provision for recreational/park facilities, construction of offsite drainage and road systems, water supply and waste disposal facilities, and an assessment of community response to long-range planning alternatives.

e. As principal cooperating agency, the State of Hawaii Department of Transportation will be responsible for providing input on the master planning process and alternatives and an assessment of road transportation needs. Other significant input may be expected from the County Board of Water Supply and Department of Public Works on water supply and waste disposal, the James Campbell Estate on offsite land-use planning, the National Marine Fisheries Service and U.S. Fish and Wildlife Service on marine resources, the State Department of Planning and Economic Development on coastal zone planning, and the State Department of Health on noise, air and water quality management.

f. There are no other requirements for Federal environmental review and consultation to address the master planning issue. The supplement will summarize all environmental reviews and consultations accomplished to date for Federal actions relating to the harbor project including ongoing consultation with the National Marine Fisheries Service, the State Historic Preservation Officer and Advisory Council on Historic Preservation, the State Department of Health, the Office of Coastal Zone Management of the State Department of Planning and Economic Development, and the U.S. Fish and Wildlife Service.

4. The draft Supplement is expected to be distributed to the public for review during the third quarter of calendar year 1983.

ADDRESS: For more information on this matter, please contact Dr. James Maragos, Chief, Environmental Resources Section, Planning Branch, U.S. Army Engineer District, Honolulu, Building 230, Fort Shafter, Hawaii 96858 or telephone (808) 438–2263.

Dated: June 3, 1983.

Kenneth E. Sprague,

Lt. Colonel, Corps of Engineers, Acting District Engineer.

[FR Doc. 83-16008 Filed 6-15-83; 8:45 am]

BILLING CODE 3710-NN-M

Office of the Secretary

Defense Science Board Task Force on Fire Support for Amphibious Warfare; Advisory Committee Meeting

The Defense Science Board Task Force on Fire Support for Amphibious Warfare will meet in closed session on July 21–22, 1983 in the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on July 21–22, 1983 the Task Force will consider the basic requirements for fire support during amphibious warfare operations.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

June 13, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-16210 Filed 6-15-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board, Advisory Committee Meeting

The Defense Science Board will meet in closed session August 8–12, 1983 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting to be held August 8–12, 1983 the Board will examine the substance, interrelationships, and U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and Under Secretary of Defense for Research and Engineering. The subject areas are Joint Service Acquisition Programs, Ground Survivability of NATO Tactical Aircraft/Air Bases, and Conventional Munitions and the Nuclear Threshold. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. I, (1976)). It has been determined

that this DSB Summer Study meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-16209 Filed 6-15-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board; Advisory Committee Meeting

The Defense Science Board will meet in closed session August 1-5, 1983 at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advice the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on Scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting to be held August 1-5, 1983 the Board will examine the substance, interrelationships, and U.S. national security implications of three critical areas identified and tasked to the Board by the Secretary of Defense and Under Secretary of Defense for Research and Engineering. The subject areas are Joint Service Acquisition Programs, Ground Survivability of NATO Tactical Aircraft/Air Bases, and Conventional Munitions and the Nuclear Threshold. The period of study is anticipated to culminate in the formulation of specific recommendations to be submitted to the Secretary of Defense, via the Under Secretary of Defense for Research and Engineering, for his consideration in determining resource policies, short- and long-range plans, and in shaping appropriate implementing actions as they may affect the U.S. national defense posture.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92-463, as amended (5 U.S.C. App. I, (1976)). It has been determined that this DSB Summer Study meeting concerns matters listed in 5 U.S.C. 552b(c)((1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

June 13, 1983.

[FR Doc. 83-16208 Filed 6-15-83; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Summer Study Panel on Aircraft Survivability in NATO; Advisory Committee Meeting

The Defense Science Board 1983 Summer Study Panel on Aircraft Survivability in NATO will meet in closed session on 13-14 July 1983 at the Institute for Defense Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

At the meeting on 13-14 July 1983 the Panel will examine the threat to tactical aircraft on the ground and assess the major sources of their attrition and sortie rate degradation.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. I, (1976)), it has been determined that this DSB Summer Study Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly these meetings will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Service, Department of Defense.

[FR Doc. 83-16211 Filed 6-15-83; 8:45 am]

BILLING CODE 3810-01-M

Membership of the Office of the Secretary of Defense (OSD) Performance Review Board

AGENCY: Office of the Secretary of Defense (OSD), DOD.

ACTION: Notice of Membership of the Office of the Secretary of Defense Performance Review Board.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Office of the Secretary of Defense. The OSD PRB's jurisdiction includes: OSD, OSD field activities, the Organization of the Joint Chiefs of Staff (OJCS), the Office of the Inspector General (IG), the Defense Investigative Service (DIS), the U.S. Court of Military Appeals (USCMA), and the U.S. Mission to NATO. The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The Performance Review Board provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance and performance awards to the Secretary of Defense.

EFFECTIVE DATE: June 30, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Sharon B. Brown, Chief, Senior Executive Service Division, Directorate for Personnel & Security, WHS, Office of the Secretary of Defense, Department of Defense, The Pentagon, (202) 697-3305 or 697-8304.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following are names and titles of the executives who have been appointed to serve as members of the Performance Review Board. They will serve a one-year renewable term, effective on June 30, 1983.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 13, 1983.

Adams, Benson D.
Adams, Mac C.
Agnew, Ann C.
Alderman, Craig (NMN)
Alderman, Karen A.
Alewine, Ralph W. III
Alterman, Stanley
Alvarado, Donna M.
Anderson, David L.
Anderson, Maynard C.
Armitage, Richard L.
Bachkosky, John M.
Bader, George W.
Bain, James D.
Barringer, Philip E.
Barry, Albert P.
Batjer, Marybel
Bayse, William Alfred
Beach, John W.
Beary, John F. III
Becker, Karl F.
Berenson, Paul J.
Bergmann, Walter B. II
Bernard, Charles W.
Bertapelle, Arthur H.
Bialick, Irving
Blaker, James R.
Bloom, Harold (NMN)
Bott, Robert F.
Brandenstein, Albert E.
Brannan, James T.
Briskin, Manuel (NMN)
Bruh, Brian M.
Bryen, Stephen D.
Buck, Kathleen A.
Buzalski, Ernest A.
Calais, Mary J.
Callaway, Paul R.
Calhoun, Jerry L.
Campbell, Leonard G.
Campen, Alan D.
Carabello, John M.
Cavaney, William T.
Chapman, Ray E.
Christie, Deborah P.
Christie, Thomas P.
Christie, Gaylord E.
Chu, David S. C.
Cipolla, Charles L.
Cipolla, Frank P.
Cittadino, John C.
Coakley, William F.

Colson, Janet (NMN)
Comptom, James M.
Conte, Albert V.
Cooke, David O.
Cooper, Robert S.
Cratch, Geoffrey A.
Crehan, John T.
Croteau, Robert J.
Crouch, Horace J.
Culosi, Salvatore J.
Curry, James H.
Dashiell, Thomas R.
Davidson, Ronald A.
Delaney, Robert P.
Dix, Donald M.
Donnelly, John F.
Donnelly, Richard E.
Donovan, Paul (NMN)
Douglas, Terrence Richard
Dube, Lawrence P.
Earich, Douglas R.
Eaton, Nelson W.
Eberhardt, Michael C.
Ehlers, Athur H., Jr.
Engel, Roger K.
Facey, Albert G., Jr.
Farbrother, Douglas D.
Fawsett, John
Feld, Benjamin
Fields, Craig I.
Finsterle, James C.
Fisher, Herbert L.
Fites, Jeanne B.
Forsythe, Conrad O.
Franklin, William S.
Gaffney, Henry H., Jr.
Garcia, Ernest E.
Gardner, John L.
Garnett, Thomas F.
Genalis, Paris
Gilleece, Mary Ann
Gilliat, Robert L.
Glaister, Clyde O.
Gold, Theodore S.
Goldberg, Alfred (NMN)
Gontarek, Stanley J.
Goodwyn, James C.
Gordon, Harvey J.
Granahan, Thomas F.
Greenlee, Donald R.
Groover, Charles W.
Grove, H. Mark
Hamilton, Dale L.
Hanmer, Stephen R.
Hansen, John W.
Harshman, Richard A.
Haughton, Claiborne D., Jr.
Hawkins, Charles A., Jr.
Hessler, David J.
Hinkle, Charles W.
Hinman, Kenneth R.
Hoehn, William E., Jr.
Horton, Cyril F.
Howe, Richard G.
Hyman, Paul J.
Ioffredo, Michael L.
Jefferson, Ralph H.
Johns, John H.
Jones, Thomas K.
Juliana, James N.
Kahn, Robert E.
Kammerer, Joseph T.
Kapper, Francis B.
Kauvar, Gerald Bluestone
Keesee, William K.
Kelly, Merrill T.
Kendig, John L.
Killin, Edward C.
Knowles, Cyrus P.
Koch, Noel C.
Kopscak, George C.
Kraft, Herbert H., Jr.
Kugler, Richard L.
Lanoue, Robert J.
Latham, Donald C.
Lauder, Ronald S.
Leary, William H., III
Leedom, Dennis K.
Leftwich, Norma B.
Legere, Laurence J.
Lehman, Ronald F., II
Lelli, Thomas J.
Leonard, Michael (NMN)
Lese, William G., Jr.
Levinthal, Elliott C.
Lewis, William J.
Lieberman, Richard D.
Lieberman, Robert J.
Ligon, Walter B.
Linder, Isham W.
Lindstrom, Talbot S.
Lomacky, Oles
Lose, Graydon I.
Loveland, Trafton J.
Lynch, John E.
Lynn, Verne L.
MacCallum, John M., Jr.
Major, Philip L.
Maldonado, Joe P.
Mangano, Joseph A.
Margolis, Milton A.
Marquet, Louis C.
Marquis, Dennis C.
Marquitz, William J.
Marshall, Andrew W.
Martin, Edith M.
Martin, John D.
McCarthy, Herbert W.
McCarty, Thomas F.
McKenzie, Vernon
McLaughlin, Frank I.
McNeill, John
McNicol, David L.
Meehan, Patrick J.
Melburn, Michael J.
Melchner, John W.
Meling, Merle A.
Michael, Louis G.
Michel, Werner E.
Millburn, George P.
Miner, Francis (NMN)
Minichiello, Lee P.
Minneman, Milton J.
Mintz, Jeanne S.
Mittino, John A.
Mobbs, Michael H.
Moore, Robert H.
Moore, Robert J.
Morgan, John D.
Morris, Herbert K.
Murrell, Billy C.
Nelson, Wayne S.
Niederlehner, Leonard (NMN)
O'Neil, William D., III
Pallas, Spiros G.
Pennington, Arthur W.
Persh, Jerome
Phillips, Gary R.
Porter, John M.
Quetsch, John R.
Quinn, Thomas P.
Rauner, Robert M.
Reynolds, Herbert A.
Reynolds, Richard A.
Richardson, William A.
Robertson, William B.
Romney, Carl F.
Rosen, E.
Rudd, Glenn A.
Ruffine, Richard S.
Russ, John M.
Russ, Richard T.
Sanchez, Nestor D.
Saylor, James W.
Schmidt, Raymond E.
Scott, Robert S.
Sepucha, Robert C.
Sharkey, William J., Jr.
Shaw, Dennis R.
Sheils, Marylou
Shilling, David M.
Shorey, Russell R.
Shriber, Maurice N.
Shulsky, Abram N.
Sicilia, Thomas G.
Siewert, Raymond F., Jr.
Smiley, Orville L.
Smith, Homer D., Jr.
Smith, John E.
Snider, L. Britt
Snider, Larry E.
South, Allen D.
Spaulding, Harry S.
St. John, Adrian II
Stephens, W. Beth
Stilwell, Richard G.
Stimson, Richard A.
Stivers, Ronald H.
Stone, Robert A.
Sullivan, Alden P.
Sullivan, Gerald D.
Surgenis, Joseph R.
Tahtinen, Dale R.
Tanter, Raymond
Tapparo, Frank A.
Tegnelia, James A., Jr.
Tether, Anthony J.
Thomas, Reynold (NMN), Jr.
Thomas, Ronald D.
Thomas, William F.
Thorkildsen, Ray
Tillson, John C.
Toulme, Clarence V.
Trodden, Stephen A.
Troia, Kathleen M.
Trosch, Dennis H.
Tucker, Alvin
Turner, Robert D.
Tyler, John T.
Vajta, Mary L.
Vander Schaaf, Derek J.
Vanreuth, Edward C.
Wade, James P., Jr.
Walsh, William B., Jr.
Watt, Charles K.
Webster, Richard D.
Welles, Benjamin (NMN)
Whitman, Edward C.
Wienberg, Harold F.
Winshurst, Thomas H. E
Wood, Theodore D.
Woods, James L.
Woods, James R.
Woodworth, James A.
Young, Leo (NMN)
Zakheim, Dov S.
Dinan, Daniel J.

O'Brien, Thomas J.
Reusch, Ronald E.
Quill, John J.
Starrett, Charles O., Jr.
Brown, James R.
Kabeiseman, Karl W.
Maclin, James F.
Whealen, John T.
Atkins, Marvin C.

[FR Doc. 83-16207 Filed 6-15-83; 8:45 am]
BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Docket No. 83-CERT-016]

Burlington Industries, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 12, 1983, Burlington Industries, Inc. (Burlington), P.O. Box 21207, Greensboro, North Carolina 27420, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application, and amended it on May 3, 1983, for certification of an eligible use of approximately 892,790 Mcf per year of natural gas which is expected to displace the use of approximately 4,962,541 gallons of No. 6 fuel oil (2.1 percent sulfur) per year at three of its facilities in Greensboro, Burlington and High Point, North Carolina.

The eligible seller of the natural gas is Oklahoma Natural Gas Company, Post Office Box 871, Tulsa, Oklahoma 74102. The gas will be transported by Transcontinental Gas Pipeline Corporation, Post Office Box 1396, Houston, Texas 77251; Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska 68102; and Piedmont Natural Gas Company, Inc., Post Office Box 33068, Charlotte, North Carolina 28233.

Notice of that application was published in the **Federal Register** (48 FR 22352, May 18, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Burlington's application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Burlington's application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is 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.

Issued in Washington, D.C., June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16176 Filed 6-15-83; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-169]

Eastern Stainless Steel Company; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Eastern Stainless Steel Company ("Eastern Stainless") Post Office Box 1975, Baltimore, Maryland 21203, filed an application on June 7, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Rolling Mill Road facility in Baltimore, 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 Fuels Conversion Division Docket Room, RG-42, Room GA-093, 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, Eastern Stainless indicates that the volume of natural gas for which it requests certification is approximately 1,300,000 Mcf per year. This volume is estimated to displace the use of approximately 9,538,960 gallons of No. 2 fuel oil (0.3 percent sulfur) per year.

The eligible sellers are: Yankee Oil & Gas, Inc., 1105 Schrock Road, Columbus, Ohio 43229; Target Exploration, Inc., Columbia, Maryland; Exxon Corporation, P.O. Box 2180, Houston, Texas 77001. This gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and by Baltimore Gas & Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, 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, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, 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 Eastern Stainless and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels programs, Economic Regulatory Administration.

[FR Doc. 83-16179 Filed 6-15-83; 8:45 am]
BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-012]

J. P. Stevens & Company, Inc., Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 12, 1983, J. P. Stevens & Company, Inc. (Stevens), P.O. Box 2850, Greenville, South Carolina 29602, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application, and amended it on May 3, 1983, for certification of an eligible use of approximately 520,125 Mcf per year of natural gas which is expected to displace the use of approximately 3,569,524 gallons of No. 6 fuel oil (2.1 percent sulfur) at its facility in Lincolntown, North Carolina, and at eight of its facilities in Greenville (4), Piedmont (2), Slater (1) and Anderson (1), South Carolina.

The eligible seller of the natural gas is Oklahoma Natural Gas Company, Post Office Box 871, Tulsa, Oklahoma 74102. The gas will be transported by Transcontinental Gas Pipeline Corporation, Post Office Box 1396,

Houston, Texas 77251; Northern Natural Gas Company, 2223 Dodge Street, Omaha, Nebraska 68102; and Piedmont Natural Gas Company, Inc., Post Office Box 33068, Charlotte, North Carolina 28233.

Notice of that application was published in the **Federal Register** (48 FR 22353, May 18, 1983) and an opportunity for public comment was provided for a period of ten (10) calendar days from the date of publication. No comments were received.

The ERA has carefully reviewed Stevens' application for certification in accordance with 10 CFR Part 595 and the policy considerations expressed in the Final Rulemaking Regarding Procedures for Certification of the Use of Natural Gas to Displace Fuel Oil (44 FR 47920, August 16, 1979). The ERA has determined that Stevens' application satisfies the criteria enumerated in 10 CFR Part 595 and, therefore, has granted the certification and transmitted that certification to the Federal Energy Regulatory Commission. More detailed information, including a copy of the application, transmittal letter, and the actual certification, is 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.

Issued in Washington, D.C., June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16178 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-166]

Koppers Company, Inc., Piston Ring and Seal Division; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Koppers Company, Inc., Piston Ring and Seal Division ("Koppers") P.O. Box 626, Baltimore, Maryland 21203, filed an application on June 7, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Piston Ring and Seal Division Plant in Baltimore, 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 Fuels Conversion Division Docket Room, RG-42, Room GA-093, 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, Koppers indicates that the volume of natural gas for which it requests certification is approximately 76,517 Mcf per year. This volume is estimated to displace the use of approximately 542,765 gallons of No. 6 fuel oil (1.0 percent sulfur) per year.

The eligible seller are: Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Target Explorations, Inc., 301 Clark Building, Columbia, Maryland 21044; Yankee Resources, Inc., Suite 800, 1105 Schrock Road, Columbus, Ohio 43229. This gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and by Baltimore Gas and Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, 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, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, 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 Koppers and any person filing comments will be published in the **Federal Register.**

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16173 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-111]

Newport Steel Corporation; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Newport Steel Corporation (Newport), Ninth and Lowell Streets, Newport, Kentucky 41072, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its plant in Wilder, Kentucky, 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 Fuels Conversion Division Docket Room, RG-42, Room GA-093, 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, Newport indicates that the volume of natural gas for which it requests certification is approximately 651 million cubic feet per year. This volume is estimated to displace the use of approximately 4,649,000 gallons of No. 2 and No. 6 oil (less than 1.0 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; Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055; Kaiser Exploration and Mining Co., 300 Lakeside Drive, Oakland, California 94543; Sterling Drilling and Production Co., 360 Madison Avenue, New York, New York 10017; Devon Energy Corporation, P.O. Box 1134, Charleston, West Virginia 25324; Peake Operating Corporation, 201 Dunbar Office Park, Dunbar, West Virginia 25064; and Spartan Gas Corporation, P.O. Box 766, Charleston, West Virginia 25325. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and the Union Light, Heat and Power Company, P.O. Box 32, Covington, Kentucky 41012, 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, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Attention:

Richard A. Ransom, 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 Newport and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Office of Fuels Program, Economic Regulatory Administration.

[FR Doc. 83-16177 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-113]

Ohio Dehy, Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Ohio Dehy, Inc. (Dehy), P.O. Box 151, Oak Harbor, Ohio 43449, filed an application on May 23, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Cygnet and Oak Harbor, Ohio, plants, 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 Fuels Conversion Division Docket Room, RG-42, Room GA-093, 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, Dehy indicates that the volume of natural gas for which it requests certification is approximately 58,000 Mcf per year (28,000 Mcf at Cygnet and 30,000 Mcf at Oak Harbor). This volume is estimated to displace the use of approximately 382,800 gallons of No. 6 fuel oil (0.6 percent sulfur) per year (184,800 gallons at Cygnet and 198,000 gallons at Oak Harbor).

The eligible sellers are J & J Enterprises, Inc., 43 South Ninth St., Indiana, Pennsylvania 15701; and Castle Gas, Inc., P.O. Box 10337, Pittsburgh, Pennsylvania 15324. The gas will be transported by Columbia Transmission Corporation, Charleston, West Virginia 25325; and Columbia Gas of Ohio, P.O. Box 910, Toledo, Ohio 43653 (for the Oak Harbor plant); and Consumers Natural Gas Co., Cygnet, Ohio 43412 (for the Cygnet plant), the 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, Fuels Conversion Division, RG-42, Room GA-093, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Attention: Richard A. Ransom, 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 Dehy and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16175 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-165]

Spaulding Fibre Company, Inc., Industrial Plastics Division; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Spaulding Fibre Company, Inc., Industrial Plastics Division (Spaulding), 310 Wheeler Street, Tonawanda, New York 14150, filed an application on June 7, 1983, with The Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its industrial plastics facility at Tonawanda, New York, 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 Fuels Conversion Division Docket Room, RG-42, Room GA-093, 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, Spaulding indicates that the volume of natural gas for which it requests certification is approximately 517,700 Mcf per year. This volume is estimated to displace the use of approximately 89,425 barrels of No. 2 fuel oil (1.0 percent sulfur) per year.

The eligible seller is Northern Intrastate Pipeline Company, 2223 Dodge Street, Omaha, Nebraska 68102. This gas will be transported by National Fuel Gas Supply Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301; and by National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203, 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, Fuels Conversion Division, RG-12, Room GA-093, Forrestal Building, 100 Independence Avenue, S.W., Washington, D.C. 20585, Attention: Richard A. Ransom, 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 Spaulding and any person filing comments and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 10, 1983.

James W. Workman,

Director, Office of Fuels Program, Economic Regulatory Administration.

[FR Doc. 83-16174 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Agency Forms Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of submission of request for clearance to the Office of Management and Budget.

SUMMARY: Under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), Department of Energy (DOE) notices of proposed collections under review will be published in the **Federal Register** on the Thursday of the week following their submission to the Office of the Management and Budget (OMB). Following this notice is a list of the DOE proposals sent to OMB for approval since Thursday, April 28, 1983. The listing does not contain information collection requirements contained in regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act.

Each entry contains the following information and is listed by the DOE sponsoring office (1) The form number; (2) Form title; (3) Type of request, e.g., new, revision, or extension; (4) Frequency of collection; (5) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (6) Type of respondent; (7) An estimate of the number of respondents; (8) Annual respondent bruden, i.e., an estimate of the total number of hours needed to fill out the form; and (9) A brief abstract describing the proposed collection.

DATE: Last Notice published Thursday, April 28, 1983.

FOR FURTHER INFORMATION CONTACT:

John Gross, Director, Forms Clearance and Burden Control Division, Energy Information Administration, M.S. 1H-023, Forrestal Building, 1000 Independence Ave., NW., Washington, D.C. 20585, (202) 252-2308;

Jefferson B. Hill, Department of Energy Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395-7340;

Vartkes Broussalian, Federal Energy Regulatory Commission Desk Officer, Office of Management and Budget, 726 Jackson Place, NW., Washington, D.C. 20503, (202) 395-3087.

SUPPLEMENTARY INFORMATION: Copies of proposed collections and supporting documents may be obtained from Mr. Gross. Comments and questions about the items on this should be directed to the OMB reviewer; as shown in "For Further Information Contact." If you anticipate commenting on a form, but find that time to prepare these comments will prevent you from submitting comments promptly, you should advise the OMB reviewer of your intent as early as possible.

Issued in Washington, D.C., June 10, 1983.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

DOE FORMS UNDER REVIEW AT OMB

Form No. (1)	Form title (2)	Type request (3)	Response frequency (4)	response obligation (5)	respondent description (6)	Estimated number of respondents (7)	Annual respondent burden (8)	Abstract (9)
ER-485A, B	DOE health studies	New	On occasion	Voluntary	Current and former DOE and Contractor workers.	11,107	3,832	Forms ER-485A and B will be used in telephone surveys on the non-fatal health effects associated with occupational exposure to radiation.
FERC-561	Repoft of interlocking directorates.	Extension	Annual	Mandatory	officers in electric utilities.	1,500	375	The information collected on FERC-561 will be used by FERC to serve as support for the Commission staff in performing review and oversight responsibilities under FPA Section 305(C).
FERC-577	Environmental impact statement.	New	Other	Mandatory	interstate natural gas pipelines.	284	95,040	18 CFR 157.14 2.80, 2.82—requires a regulatory review of factors applicable to environmental standards as established by the National Environmental Policy Act of 1969. Data used to assess environmental impacts in relation to determining whether to issue a certificate of public convenience and necessity.

[FR Doc. 83-16100 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Change of Meeting Dates

The dates of the meeting of the High Energy Physics Advisory Panel, previously scheduled for June 29 and 30, 1983 (48 FR 26331, 6-7-83), have been changed to Monday, July 11, 1983 and Tuesday, July 12, 1983. The meeting will be held at the U.S. Department of Energy Auditorium, 19901 Germantown Road, Germantown, Maryland.

Issued at Washington, DC on June 13, 1983.

Howard H. Raiken,

Deputy Advisory Committee Management Officer.

[FR Doc. 83-16180 Filed 6-15-83; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL HOME LOAN BANK BOARD

1st Dakota Home Savings and Loan Association, Pierre, South Dakota; Appointment of Receiver

Notice is hereby given that pursuant to the authority contained in section 406(c)(1)(B)(i)(I) of the National Housing Act, 12 U.S.C.A. 1729 (c)(1)(B)(i)(I) (West Supp. 1983), the Federal Home Loan Bank Board appointed the Federal Savings and Loan Insurance Corporation as sole reciever for 1st Dakota Home Savings and Loan Association, Pierre, South Dakota, on June 9, 1983.

Dated: June 10, 1983.

J. J. Finn,

Secretary.

[FR Doc. 83-16204 Filed 6-15-83; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Arthritis Advisory Board and the Department of Defense Conference on Arthritis Prevention

Notice is hereby given of the "Arthritis Prevention Conference," sponsored by the National Arthritis Advisory Board with the assistance of the Department of Defense and the National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases. The Conference will be held on July 19, 20, 21, and 22, 1983 at the Airlie House in Warrenton, Virginia.

The goals of this conference are to identify current and prospective opportunities for effective prevention of major rheumatic diseases and, through interdisciplinary approaches, to develop strategies for implementing such interventions.

This Prevention Conference will convene rheumatologists, biomedical and bioengineering research scientists, orthopedic surgeons, public and patient educators, rehabilitation specialists, and other persons from relevant fields, consumers, and representatives of public interest groups. The conference will begin at 4:30 p.m. on July 19 and will continue until approximately noon on July 22. Attendance by the public is limited to space available.

Information on the Conference may be obtained from Mr. William Plunkett, Executive Director, National Arthritis Advisory Board, P.O. Box 30286, Bethesda, Maryland 20814, (301) 496-1991. Administrative information may be obtained from Ms. Michelle Dillon, Prospect Associates, 2115 East Jefferson Street, Rockville, Maryland 20852, (301) 468-6555.

Dated: June 9, 1983.

Betty J. Beveridge,

NIH, Committee Management Officer.

[FR Doc. 83-16125 Filed 6-15-83; 8:45 am]

BILLING CODE 4140-01-M

NIDR Special Grants Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Institute of Dental Research Special Grants Review Committee, July 14-15, 1983, in Conference Room 7, Building 31-C, National Institutes of Health, Bethesda, Maryland. The meeting will be open to the public from 9:00 a.m. to 9:30 a.m. July 14 for general discussions. Attendance by the public is limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 930 a.m. July 14 to adjournment July 15 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. H. George Hausch, Executive Secretary, NIDR Special Grants Review Committee, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 504, Bethesda, MD 20205, (telephone 301 496-7658) will provide summaries of meeting, rosters of committee members, and substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13.840-Caries Research, 13.841-Periodontal Diseases Research, 13.842-Craniofacial Anomalies Research, 13.843-Restorative Materials Research, 13.844-Pain Control and Behavioral Studies, 13.845-Dental Research Institutes, 13.878-Soft Tissue Stomatology and Nutrition Research, National Institutes of Health)

Dated: June 6, 1983.

Betty J. Beveridge,

NIH Committee Management Officer.

[FR Doc. 83-16124 Filed 6-15-83; 8:45 am]

BILLING CODE 4140-01-M

Social Security Administration

Proposed Availability of Funding for Refugee Mental Health Demonstration Projects

AGENCY: Office of Refugee Resettlement (ORR), SSA, HHS.

ACTION: Notice of Availability of funding for Refugee Mental Health Demonstration Projects.

SUMMARY: This notice governs the award of grants to public or private non-profit agencies or organizations for demonstration projects to provide alternative mental health care for refugees. These projects also include provision for documenting alternatives successful mental health service models and effective treatment practices for dissemination to other refugee mental health service providers.

DATE: An application must be mailed or hand delivered by the closing date August 15, 1983. The Director invites application for projects to demonstrate alternative mental health care for refugees.

FOR FURTHER INFORMATION CONTACT: Nguyen T. Kimchi, Telephone: 202-245-0403.

Authorization

Authority for this activity is contained in the Immigration and Nationality Act (8 U.S.C. 1522) as amended by the Refugee Act of 1980, Section 412, Public Law 96-212. No catalogue of Federal Domestic Assistance Number has been issued.

Available Funds

It is expected that approximately $220,000.00 will be available for new grants in fiscal year 1983. The Director estimates that these funds could support three (3) projects. The anticipated award for a project is between $60,000 and $100,000. However, these estimates do not bind the Office of Refugee Resettlement to a specific number of grants or to the amount of any grant unless the amount is otherwise specified by statute or regulations.

Awards will be for 12 months with no further funding anticipated.

Application Delivered by Mail

An application sent by mail must be addressed to the U.S. Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, S.W., Washington, DC 20201. An applicant must show proof of mailing on or before the closing date, August 15, 1983, consisting of one of the following:

(1) A legible dated U.S. Postal Service postmark;

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service;

(3) A dated shipping label invoice or receipt from a commercial carrier.

If an application is sent through the U.S. Postal Service, the Director 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.

Applicants should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method the applicant should check with its local post office.

Applicants are encouraged to use registered or at least first class mail. Each late applicant will be notified that the application will not be considered.

Applications Delivered by Hand

An application that is hand delivered must be taken to the U.S. Department of Health and Human Serivces, Social

Security Administration, Office of Refugee Resettlemnt, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201.

The Grants Management Branch will accept a hand-delivered application between the hours of 8:30 am and 5:00 pm Eastern Standard time daily except Saturday, Sunday or Federal Holidays. Hand delivered applications will not be accepted after 5:00 pm on the closing date for the announcement.

Supplementary Information

This announcement describes the availability of funding for demonstration projects in the following areas of refugee mental health care: (1) training in mental health problem detection and referral methods, crisis intervention and crisis management techniques for non-professionals including service providers and community leaders, (2) development of one or more models for mainstream mental health service providers to provide culturally appropriate mental health services using refugee staff and (3) development of service models using indigeneous healing practices.

I. Purpose and Scope

The purpose of this program is to provide for effective delivery of refugee mental health services through demonstration projects that emphasize the role of the refugee community. These projects would develop and test alternative mental health service delivery models for different refugee populations, in particular for the high risk goups.

Though current data on the prevalence of mental health problems among refugee populations are not available, there is no question that refugee mental health problems do exist. A survey conducted in 1979 by the Bureau of Research and Training, Pennsylvania Office of mental Health, funded by this office, confirmed such problems. Another study by the Southeast Asian Refugee Mental Health Training Project in California found that 86.5 percent of the refugees apparently were suffering from depression. ORR recognized these mental health services needs and funded several programs annually through fiscal year 1980. With the enactment of the Refugee Act of 1980, all direct funding for social services were assumed by the States. Accordingly, on April 28, 1980, ORR issued a Program Instruction to States—ORR-AT-80-2—to clarify that mental health services activities are allowable with refugee social services funds.

However, efforts to deliver adequate mental health care to refugees have been hampered by cultural differences, a scarcity of resources and the lack of bilingual/bicultural service capacity in the mainstream mental health system. Currently, the majority of refugees suffering from non-physical health problems appear to be primarily dependent upon their families and/or friends to deal with their problems. (Moon, Anson, and Tashmina, Nathaniel—*Help Seeking Behavior and Attitudes of Southeast Asian Refugees*—San Francisco: Pacific Asian Mental Health Research Project, November 1982, pp. 16–19)

This community support has always been important to Southeast Asians. In traditional Vietnam, life centered around the village and villagers were supposed to help each other during crises. In Cambodia and Loas, the *Wat*—Buddhist Pagoda—served as a "community center" where religious and cultural activities took place. The Hmong have always been tightly knit people who depend on the community through the clan system (Le, Xuan Khoa—*Indochinese Mutual Assistance Associations As Mechanisms In community Mental Health*, Paper presented at the Natinal Conference on Social Welfare, Cleveland, Ohio, May 1980). In the United States, the same traditions still exist where friends and relatives are frequently called upon for advice and counsel. (Moon, Anson, and Tashima, Nathaniel, pp. 16–19)

Not all refugees, however, are fortunate enough to come to the United States with families and friends. Many are now relying on services providers, in particular bilingual/bicultural staff, to assist them with social adjustment or mental health problems.

Bilingual/bicultural staff, if properly trained, could also bridge the gap between the cultural context of the client and that of the existing mental health system. Additionally, given appropriate training, members of the refugee community and organizations can also provide effective outreach and orientation service resulting in early detection and prevention of mental health problems. Bilingual/bicultural staff drawn from the refugee community are likely to enhance the credibility of the system and thereby increasing its utilization. Such culturally relevant programs will become more effective in service to the refugee population. ORR proposes that culturally relevant programs are more likely to occur if refugee traditions beliefs and resources can become integral parts of mental health care to refugees.

To encourage the development of culturally appropriate mental health services, ORR proposes to fund three types of projects as follows:

Objective I: The Office of Refugee Resettlement proposes to strengthen the refugee community support system by providing training in mental health problems detection and referral methods, crisis intervention and crisis management techniques for non-professional refugee service workers and refugee community leaders, including Mutual Assistance Association members, Buddhist monks, Catholic priests, clergy, healers and indigenous leaders.

Objective II: The second objective is to encourage the delivery of linguistically and culturally appropriate mental health services through utilization of trained refugee paraprofessionals in the mainstream mental health system, which currently has neither the personnel nor the resources to provide such services for refugees. ORR proposes to provide incentives to mainstream mental health facilities located in high refugee concentration areas to hire one or more qualified refugee paraprofessionals and to demonstrate the effectiveness of this mental health treatment approach.

Objective III: The third objective of this program is to develop treatment models that are culturally appropriate to special groups of refugees as an alternate way to respond to their mental health problems.

As numerous studies have indicated, indigenous concepts of health and illness often differ considerably from Western concepts. It has been noted that among some groups of refugees, traditional healers are being utilized despite the existence of the sophisticated American mental health system. Other groups indicate their preference for seeking advice from spiritual leaders such as monks or priests for adjustment problems. ORR proposes to develop and test the refugee practice of using indigenous healers in mental health treatment.

II. Eligible Grantees

Eligible grantees are public entities and private organizations incorporated as non-profit under the laws of their state. Applicants submitting proposals for Project II—Grant to Integrate Refugee Paraprofessionals into the Mainstream Mental Health System—must be established mental health service facilities. That is, facilities receiving Federal, State or local funding for a minimum of one year prior to the date of this grant application, for the

specific purpose of providing mental health services to a broadly based clientele.

III. Activities

Applicants may submit proposals for any or all of the following activities:

Project I: Mental Health Training for Refugee Service Workers and Community Leaders

Applicants seeking assistance under Project I shall carry out the following activities:

1. Identification ans selection of participants for a series of short-term training workshops. Participants may include state and local governments refugee staff, voluntary agencies staff, sponsors, Mutual Assistance Associations' members, refugee community leaders and other servie providers who are in contact with refugees.

2. Design and implementation plan for a short-term training program, using the workshop format to (a) increase the participants' awareness and knowledge of serious emotional problems which may be experienced by refugees and their families; (b) instruct participants in method of identifying mental health problems of refugees; (c) provide them with methods of encouraging refugees to seek professional help; and (d) instruct participants in crisis intervention and management techniques.

3. Workshop content shall include but not be limited to the following topics:

- Cross-cultural orientation with special emphasis on refugee versus Western health and mental health concepts, and pertinent cultural/traditional practices;
- Current mental health service delivery system and refugee mental health programs;
- Major mental health problems of refugees—e.g., differentiation between culture shock, emotional difficulties and psychosis, identification of high risk populations;
- Methods of identifying mental health problems of refugees;
- Methods of encouraging refugees to seek professional help;
- Techniques to address crises; how to use existing resources; when to seek specialized help.

4. An evaluation plan to assess the success of each workshop and plan for revision as necessary.

Project II: Grant to Integrate Refugee Paraprofessionals into the Mainstream Mental Health System.

The Integration project application should include the following activities:

1. A discussion of needs in the proposed service area to include demonstrated need of culturally appropriate mental health services and the applicant's lack of bilingual/bicultural staff capacity.

2. The design of a comprehensive mental health program for refugees that is culturally relevant and acceptable. This program must provide for:

- The utilization of bilingual/bicultural refugee paraprofessionals in mental health treatment of refugees:
- The provision of on-going training and supervision of these paraprofessionals;
- The provision of cultural awareness training for the refugee paraprofessionals and the mainstream professionals involved;
- The refugee community's participation and comment, in particular through consultation with refugee professionals, where possible, and/or consultation with refugee leaders who are familiar with both the Western treatment system and the refugee cultural background.

3. The design of a capacity building plan which includes (a) the acquisition of one or more trained refugee paraprofessionals; (b) a plan to utilize the paraprofessional(s) during the grant period; and (c) a plan to permanently integrate the paraprofessional(s) into the regular mental health services provided to the community.

4. The design of an outreach and educational program for the community utilizing bilingual/bicultural paraprofessionals.

5. The coordination of sevices with other health and social service agencies serving refugees.

6. An evaluation component to assess the effectiveness of the program service model.

Jointly funded and supported activities are allowed and encouraged.

Project III: Utilization of Traditional Healers in Refugees Mental Health Treatment

Proposed projects will develop and test alternative models using indigenous healers for the provison of mental health care for refugees.

Proposed projects must provide for direct services for refugees and must be designed as therapeutic treatments. Grantees applying for Project III shall be required to carry out the following activities:

1. Identification of the target population and the need for culturally appropriate mental health services.

2. Design of an integrated mental health service program using both traditional healing practices and western treatment appropriate for the target population and under the general supervision of a qualified therapist who is knowledgeable in both western mental health system and in the refugee cultures.

3. Documentation of the treatment process and service results.

IV. Application Submission and Approval Procedures

Applicants may request grant applications from the Department of Health and Human Services, Social Security Administration, Office of Refugee Resettlement, Grants Management Branch, Room 1332, Switzer Building, 330 C Street, S.W., Washington, D.C. 20201, 202-472-4440. Prospective grantees must submit an original application and two copies to the Grants Management Branch. An independent panel will be convened to evaluate and rate applications. Final funding decisions will be made by the Director of the Office of Refugee Resettlement. Criteria for panel evaluation are listed in Section VI below. It is estimated that grant awards will be issued on or about September 15, 1983.

V. Applicable Regulations

The following HHS regulations apply to grants under this Notice:

45 CFR Part 16 Department Grant Appeals Process;

45 CFR Part 74 Administration of Grants;

45 CFR Part 75, Informal Grant Appeals Process;

45 CFR Part 80 Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health and Human Services Effectuation of Title VI of the Civil Rights Act of 1964.

45 CFR Part 81 Practice and Procedures for Hearings Under Part 80 of this Title.

45 CFR Part 84 Nondiscrimination on the Basis of Handicap in Programs and Activities Benefitting from Federal Financial Assistance.

45 CFR Part 90 Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance.

VI. Criteria for Evaluating Applications

All competing applications received in response to this annoucement will receive a technical review by qualified experts.

Each project proposal will be evaluated separately and applicants seeking assistance for multiple projects

under this announcement should present each project as a separate entity.

Applications will be evaluated against the following criteria:

Project I: Mental Health Training for Refugee Service Workers and Community Leaders

A. Completeness and feasibility of the proposed training project design and work plan:

• Feasibility of participants recruitment plan including identification process and selection criteria; 10 points.

• Quality of proposed workshop content and its relevance to the project objectives; 25 points.

• Methodology to be employed in implementing the project and its feasibility for the achievement of the project objectives; 15 points.

B. Qualifications of the Project Director and instructional staff. Appointment of Project Director is subject to ORR's approval; 20 points.

Project II: Grant to Integrate Refugee Paraprofessionals into the Mainstream Mental Health System

A. Completeness and feasibility of the proposed integration plan and implementation:

• Quality of proposed integrative program with specific objectives and measurable outcomes; 15 points.

• Feasibility of the consultation process with refugee experts and leaders; 5 points.

• Qualify of the outreach and educational program; 5 points.

• Adequacy of proposed capacity building plan including the acquisition of refugee paraprofessionals and description of provision for integrating the paraprofessionals into the mainstream service. Documentation of plan for continuance of services beyond the grant support period; 25 points.

B. Experience of applicant organization in providing mental health services; 10 points.

C. Qualifications of proposed staff including refugee paraprofessionals. Appointment of project director is subject to ORR's approval; 5 points.

D. Potential for replication of the service model: plans for implementation and dissemination of results of project, including any products for use by others; 5 points.

Project III: Utilization of Traditional Healers in Refugee Mental Health Treatment

A. Completeness and feasibility of proposed culturally appropriate treatment model:

• Description of how applicant plans to determine client need for traditional healer services; 10 points.

• Description of the proposed traditional healer methods to be used, identification of the types of mental health problems for which these methods are appropriate, and evidence of the efficacy of these methods in treating the mental health problems of the target refugee population; 30 points.

• Description of role and relationship between trained therapist(s) and the indigenous healer(s); 5 points.

B. Familiarity and experience of applicant organization in refugee mental health programs; 5 points.

C. Qualification of proposed staff including indigenous healers. Appointment of project director is subject to ORR's approval; 10 points.

D. Likelihood of developing innovations and transferrable knowledge in refugee mental health service and significance in national program development; 10 points.

All Projects

• Relevance of the needs of the target population with special consideration for proposals which serve areas of large refugee populations. Indication of the number of refugees to be served; 10 points.

• The extent to which the proposal provides for an evaluation methodology, including the manner in which such methodology will be employed to measure project outcomes; 5 points.

• The evidence of coordination and linkages with service providers and the refugee community; 5 points.

• The reasonableness of the budget in relation to the proposed project and the anticipated results; 5 points.

• Adequacy of facilities and resources; 5 points.

VII. A-95 Notification Process

These projects are not covered by the requirements of OMB Circular A-95.

VIII. Application Content

All applicants will use Standard Form SSA-96, "Federal Assistance" in submitting project proposals. Grant applications must also include the following:

1. Discussion of need for culturally appropriate mental health services and discussion of characteristics of clients to be served;

2. A work plan to meet the project objectives including identification of all services and materials to be developed and a dissemination plan. The work plan should describe in detail the implementation and the evaluation of the required activities indicated in Section III above;

3. A management plan for fiscal and program administration to accomplish the grant objectives including a project management chart, time line and staff resume and assignments;

4. Detailed program budget;

5. Description of the applicant organization. If other than a public agency, description of its organizational mandate, funding sources, key staff, principal officers, organization chart, organization's address and telephone number;

6. Documentation of applicant's experience with the services proposed including description of other projects similar to the proposed activities; and

7. Documentation of non-profit status-IRS form 501 C3 or other proof of non-profit status.

IX. Records and Reports

Grantees will be required to maintain such fiscal and operational records as are necessary for federal monitoring and auditing of the grants. Grantees shall insure that ORR will:

1. Have complete access to all subrecipients' (contractors or subgrantees) records;

2. Receive all materials to be disseminated.

Quarterly fiscal and program progress reports will be due 30 days after the first calendar day of each quarter following the effective date of the grant award with the exception of final fiscal and program progress reports which shall be due 90 days after the expiration of the grant.

June 13, 1983.

Phillip N. Hawkes,

Director, Office of Refugee Resettlement.

[FR Doc. 83-16205 Filed 6-15-83; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Petition for Reassumption of Jurisdiction St. Regis Mohawk Tribe of the St. Regis Mohawk Reservation

June 3, 1983.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides, subject to certain specified conditions, that Indian tribes may petition the Secretary of the Interior for reassumption of jurisdiction over Indian child custody proceedings.

This is notice that a petition has been received by the Secretary from the St. Regis Mohawk Tribe of the St. Regis Mohawk Reservation, for the tribal reassumption of jurisdiction over child custody proceedings. The petition is under review, and may be inspected and copied at the Eastern Area Office, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 83-16192 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-02-M

San Carlos Irrigation Project, Arizona; Operation and Maintenance Charges Villages, Towns, and Schools

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Public notice.

SUMMARY: The purpose of this public notice is to change the per acre foot assessment rate for the operation and maintenance of the irrigation facilities of the Joint Works of the San Carlos Irrigation Project serving Villages, Towns, and Schools, to properly reflect the cost of labor, materials, equipment; and services. The change is from $57.00 to $65.00 per acre foot.

EFFECTIVE DATE: This public notice shall become effective July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Ralph Esquerra, Project Engineer, San Carlos Irrigation Project, P.O. Box 250, Coolidge, Arizona 85228, telephone (602) 723-5439.

SUPPLEMENTARY INFORMATION: This notice is issued by authority delegated to the Assistant Secretary for Indian Affairs by the Secretary of the Interior in 209 DM 8 and redelegated by the Deputy Assistant Secretary for Indian Affairs (Operations) to the Area Dirctors in 10 BIAM 3. An analysis of the costs of operation and maintenance of the Joint Works of the San Carlos Irrigation Prject serving villages, towns, and schools was made and, on December 6, 1982, was presented to the Fact Finding Committee which is made up of representatives form the San Carlos Irrigation and Drainage District, San Carlos Irrigation Project, Gila River Indian Community, Pima Agency, and the Phoenix Area Office. There was no objection to increase the assessment rate.

The Public Notice shall read as follows:

San Carlos Irrigation Project

Assessment, Villages, Towns, and Schools

(a) Such project water as shall be available may be delivered to the villages, towns, and schools, not included in the designated area of the San Carlos Irrigation Project, for the irrigation of lawns and gardens. Beginning on July 1, 1983, and until further order, the charge for such service shall be $65.00 per acre foot of water delivered, payable in advance of delivery.

(b) The delivery of water and the collection therefor shall be made by the San Carlos Irrigation and Drainage District. It is agreed that the District shall retain $21.00 per acre foot on which collection shall be made, and as its compensation for rendering the service. The remainder of the collections shall be paid to the Project Engineer for the San Carlos Irrigation Project for the benefit of the Joint Works.

Walter R. Mills,

Acting Assistant, Area Director.

[FR Doc. 83-16190 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Irrigation Operation and Maintenance Charges; Water Charges and Related Information on the Flathead Irrigation Project, Montana

This notice of operation and maintenance rates and related information is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs in 209 DM8 redelegated by the Assistant Secretary—Indian Affairs to the Area Directors in 10 BIAM 3, and by authority delegated to the Project Engineer and to the Superintendents by the Area Director in 10 BIAM 7.0, Sections 2.70-2.75. The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9), and also under 25 CFR 191.1(e).

Puruant to final rule published on June 14, 1977, in 42 FR 30361, this notice sets forth changes to the operations and maintenance charges and related information applicable to the Flathead Irrigation Project, St. Ignatius, Montana. These charges were proposed pursuant to the authority contained in the Acts of August 1, 1914, and March 7, 1928, (38 Stat. 583, 25 U.S.C. 382; 45 Stat. 210, 25 U.S.C. 387).

Interested persons were given 30 days in which to submit written comments, views or arguments regarding the proposed rates and related provision. No comments were received during the 30 days period.

In compliance with the above, the operation and maintenance charges for the lands under the Flathead Irrigation Project, Montana, for the season of 1983 and 1984 and subsequent years until further notice, are hereby fixed as follows:

For the season of 1983 for lands not included in an Irrigation District but including land held in trust for Indians, the rate per acre for the various divisions are as follows:

Jocko	$9.32/acre
Mission Valley	$8.29/acre
Cames	$8.12/acre

For the season of 1984 for lands included in an irrigation Disrict, the Project charge per acre is as follows:

Jocko Valley Irrigation District	$6.50/acre
Mission Irrigation District	$7.00/acre
Flathead Irrigation District	$6.34/acre

E. M. Axtell,

Project Engineer, Flathead Irrigation Project.

[FR Doc. 83-16142 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[U-060]

Realty Action-Exchange; Public Land in Grand County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Realty action-exchange; public land in Grand County, Utah.

This Notice of Realty Action involves an exchange of public land in Utah managed by the Bureau of Land Management (U-45314).

The following described lands have been determined to be suitable for exchange under Section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Selected lands:

Salt Lake Base and Meridian, Grand County, Utah

T. 21 S., R. 16 E.,
Sec. 1, Lot 7, Lot 10, Lot 14, Lot 15;
T. 21 S., R. 17 E.,
Sec. 6, Lot 6, Lot 11, Lot 12, Lot 13, Lot 14, Lot 17, Lot 18, E½ SW¼.
Comprising 495.79 acres.

In exchange for the above lands the Federal Government would acquire the following private lands in Grand County, Utah from Donald K. Bazemore, Cupertino, California 94014.

Offered lands:

Salt Lake Base and Meridian, Grand County, Utah

T. 20 S., R. 16 E.,
Sec. 3, Lot 8, Lot 9, and Lot 10.

Comprising 60.29 acres.

The mineral estate (all minerals) on the offered land would be exchanged for 60 acres of the selected land described as Salt Lake Base and Meridian, T. 21 S., R. 16 E., Section 1, S½ lot 10 and lot 15. An appraisal indicated that mineral values are equal on an acre for acre basis. The surface estates of the selected and offered lands have been determined to be equal in value.

The selected lands are segregated from appropriation under the public land laws including the mining laws but not the mineral leasing laws. The segregative effect of this notice of realty action on the public lands shall terminate upon issuance of patent to such lands, upon publication in the Federal Register of a termination of the segregation or 2 years from the date of this notice, whichever comes first.

The purpose of the exchange is to obtain river front property for use as a takeout point for river trips and development of a recreation area. Presently use of the property is being allowed for takeout purposes, however, development of facilities cannot occur until the United States acquires an interest in the land.

The selected land would be subject to the following conditions:

1. A reservation for a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

2. A reservation of all minerals except for 60 acres described as Salt Lake Base and Meridian, T. 21 S., R. 16 E., Section 1: S½ lot 10 and lot 15, together with the right to prospect for, mine and remove the same.

This exchange is consistent with the Bureau's planning and county officials have been consulted.

Detailed information concerning the proposed exchange, including the environmental assessment is available for review at the Moab District Office, 125 West 2nd South Main, Moab, Utah 84532.

For a period of 45 days interested parties may submit comments to the Moab District Manager, P.O. Box 970, Moab, Utah 84532. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department.

Dated: June 9, 1983.

Gene Nodine,

District Manager.

[FR Doc. 83-16127 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Canon City District Grazing Advisory Board

A meeting of the Canon City District Grazing Advisory Board will be held at 10:00 a.m., Friday, July 29, 1983, at the Chaffee County Bank, 146 G Street, Salida, Colorado, pursuant to Pub. L. 92-463.

The purpose of the meeting is to review allotment management plan implementation, initiate, conduct and settle business pertaining to expenditure of Range Betterment and Improvement Funds, discuss Cooperative Management Agreement, and to hear an update on the grazing fee study.

The meeting will be open to the public. However, facilities and space to accommodate members of the public are limited and persons will be accommodated on a first come, first serve basis. Any person may file with the Board a written statement concerning matters to be discussed.

Persons wishing further information concerning this meeting may contact Melvin D. Clausen, District Manager, Bureau of Land Management, 3080 East Main Street, Canon City, Colorado 81212, at (303) 275-0631.

Minutes of the meeting will be made available for public inspection 30 days after the meeting.

Dated: June 9, 1983.

Melvin D. Clausen,

District Manager.

[FR Doc. 83-16139 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

State of California; Realty Action, Sale of Public Lands in Riverside County, Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: State of California, Realty Action, Sale of Public Lands in Riverside County—CA-13587 through CA-13602—Correction.

SUMMARY: This document corrects the requirements for participating in the oral bidding procedures. The original requirements were published on page 23924 and 23925 in *Federal Register* of Friday, May 27, 1983. This notice restricted participating in the oral bidding to only those bidders that submitted qualified sealed bids. This correction extends the opportunity to participate in the oral bidding to individuals that had not previously submitted a sealed bid.

On page 23924 column three, second paragraph titled "Dates," the sentence which begins on line thirty with the words "only those bidders" * * * and ends on line thirty-three should be deleted to read:

Anyone wishing to participate in the oral bid must meet all of the citizenship requirements as outlined in part 4 of this notice. Individuals wishing to participate in the oral bidding must submit not less than one-fifth of the payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the appraised value of the land.

Dated: June 8, 1983.

Gerald E. Hillier,

District Manager.

[FR Doc. 83-16141 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-20085]

Idaho; Conveyance of Public Land, Power County

June 8, 1983.

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), a patent was issued to Leonard B. Kopp and Patricia C. Kopp for the following-described public land:

Boise Meridian, Idaho

T. 8 S., R. 32 E.

Sec. 5, lot 6, SW¼NW¼, NW¼SW¼.

Containing 120.38 acres.

The purpose of this notice is to inform the public and interested State and local governmental officials of the conveyance.

Louis B. Bellesi,

Deputy State Director for Operations.

[FR Doc. 83-16158 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84

[M 55228]

Montana; Coneyance of Public Land; Valley County

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance of public land.

SUMMARY: Notice is hereby given that pursuant to the Act of October 21, 1976 (43 U.S.C. 1713 (1976)), the following described land was sold to the Hinsdale Cemetery District:

Principal Meridian, Montana

T. 30 N., R. 36 E.,
Sec. 5, S½SW¼SW¼NW¼SW¼, SW¼SE¼SW¼NW¼SW¼, W½NE¼ NW¼SW¼SW¼, NW¼NW¼ SW¼SW¼, excluding a strip of land situated in the S½SW¼, containing 0.067 acre.

Containing 5.56 acres.

The purpose of this notice is to inform the public and interestd state and local governmental officials of the issuance of the conveyance document to the Hinsdale Cemetery District.

Dated: June 9, 1983.

Edgar D. Stark,

Chief, Lands Adjudication Section.

[FR Doc. 83-16161 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[M 55145]

Montana; Conveyance and Order Providing for Opening of Public Lands

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance and Order Providing for Opening of Public Lands in Richland and McCone Counties, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the following described land was conveyed to Robert G. Voorhees and Marjorie R. Voorhees, husband and wife, and O. Joyce Voorhees, tenants in common:

Principal Meridian, Montana

T. 26 N., R. 50 E.,
Sec. 2, Lots 3 and 4;
Sec. 11, SW¼NW¼, N½S½;
Sec. 12, NW¼NW¼, NE¼SW¼, SW¼SE¼;
Sec. 13, NW¼NE¼, S½NW¼; and
Sec. 24, SE¼NE¼.
T. 26 N., R. 51 E.,
Sec. 18, Lot 4, SE¼SW¼;
Sec. 19, Lot 1.
T. 27 N., R. 51 E.,
Sec. 31, Lots 3 and 4, E½SW¼, SE¼.

Aggregating 993.85 acres.

In exchange for the above land, the United States acquired the following described land in McCone County, Montana:

Principal Meridian, Montana

T. 27 N., R. 50 E.,
Sec. 25, S½SW¼; and
Sec. 26, Lots 1, 2, 3, SE¼.

Containing 311.34 acres.

No minerals were transferred in the exchange. This order restores the lands acquired by the United States to the operation of the public land laws generally.

DATES: At 8 a.m. on July 22, 1983, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All applications received at or prior to 8 a.m. on July 22, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: June 8, 1983.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-16162 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Albuquerque District, New Mexico District Advisory Council Meeting

The BLM Albuquerque District Advisory Council meeting scheduled for July 21, 1983 has been postponed until July 26, 1983. The meeting will be held in the conference room of the District Office, 3550 Pan American Freeway, NE., Albuquerque, beginning at 9 a.m.

Following its field trip to the Bisti coal region and the Rio Puerco water pipeline system at its April 25–27 meeting, the District Advisory Council will determine which management issues facing the District Manager it will focus on to provide timely advice. Among the issues being considered are: federal coal leasing in the San Juan Basin; maintenance options for the Rio Puerco range watering system; public lands suitable for sale under BLM's assest management program; and planning issues and planning criteria for the Rio Puero Resource Area's Resource Management Plan.

This council is managed in accordance with the Federal Advisory Committee Act of 1972, the Federal Land Policy and Management Act of 1976, and the Rangeland Improvement Act of 1976.

The public is welcome to attend all portions of this meeting. Statements by the public to members of the Council may be made at 11:30 a.m., July 26, 1983.

Minutes of the meeting will be prepared and made available for review within 30 days following the meeting.

L. Paul Applegate,

District Manager.

[FR Doc. 83-16160 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 13279]

State of California: Realty Action, Sale of Public Lands in Riverside County; Correction

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Realty Action—Sale of Public Lands in Riverside County—CA 13279—Correction.

SUMMARY: This document corrects the requirements for participating in the oral biding portion of the land sale. The original requiements were published on pages 23720 and 23721 in the **Federal Register** of Thursday, May 26, 1983.

Page 23720, column three, last paragraph and page 23721, column one, paragraphs one, two, and three should be corrected to read:

DATE: The above described land will be offered for sale by sealed and oral bids. The sealed bids will be opened at 10:00 a.m. on July 26, 1983, at the California Desert District Office of the Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507. Bids may be made by a principal or a duly qualified agent, either mailed or delivered to the California Desert District Office, Bureau of Land Management, at the above address. Sealed bids shall be considered only if received prior to 10:00 a.m. on July 26, 1983, and are made for at least the appraised value of the land. Each sealed bid shall be accompanied by a certified check, postal money order, bank draft, or cashier's check made payable to the Bureau of Land Management for not less than one-fifth of the amount of the bid. The sealed envelope must be marked in the lower left hand corner "Public Sale Bid, Serial Number CA–13279, sale held July 26, 1983". No bid will be accepted for less than the appraised value, and bids must include all of the land in the parcel. The sealed bids shall be opened and publicly declared at the beginning of the oral bidding.

Anyone wishing to participate in the oral bidding must meet all of the citizenship requiements as outlined in part 4 of this notice. Individuals wishing to participate in the oral bidding must submit not less than one-fifth of the payment by cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the appraised value of the land. Oral bidding will begin at 11:00 a.m. on July 26, 1983 at the California Desert District Office. The person declared to have entered the highest qualifying oral bid shall submit payment for cash, personal check, bank draft, money order, or any combination for not less than one-fifth of the amount of the bid immediately following the close of the sale.

The successful bidder, whether such bid is a sealed or oral bid, shall submit the remainder of the full bid price prior to the expiration of 30 days from the date of the sale. Failure to submit the

full bid price prior to, but not including the 30th day following the day of the sale, shall result in cancellation of the sale of the specific parcel and the deposit forfeited and disposed of as other receipts of sale. If two or more sealed bids for the same amount are received and no oral bids are received, then the apparent high bidder shall be determined by a drawing.

For a period of 30 days following the date of the sale, Ladyvest, Inc., will have the opportunity to claim the preference rights indicated above. Refusal or failure to meet the highest bid shall constitute a waiver of such bidding provisions.

FOR FURTHER INFORMATION CONTACT: Concerning the sale, including the land report and environmental assessment report, information is available for review at the California Desert District Office at the above address. For a period of 45 days from the date of publication of this notice, interested parties may submit comments to the State Director, California State Office, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become a final determination.

Dated: June 8, 1983.

Gerald E. Hillier,
District Manager.

[FR Doc. 83-16163 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Utah; Intensive Wilderness Inventory, Decisions Set Aside and Remanded

AGENCY: Bureau of Land Management (BLM), DOI.

ACTION: Notice.

SUMMARY: On April 18, 1983, the Interior Board of Land Appeals (IBLA) set aside and remanded to the Utah State Director for further action the decisions on wilderness inventory units as summarized below:

Unit No.	Unit name	Approx. acreage appealed	Board's decision
UT-020-037	Newfoundland Mtns	23,266	Set aside and remanded.
UT-020-129/050-130A	Dugway Mtns	18,000	Set aside and remanded.
UT-040-075	Horse Spring Canyon	[1] 30,000	Set aside and remanded.
UT-040-076	Carcass Canyon	12,160	Set aside and remanded.
UT-040-077	Mud Spring Canyon	18,065	Set aside and remanded.
UT-040-078	Death Ridge	65,040	Set aside and remanded.
UT-040-079	Burning Hills	61,550	Set aside and remanded.
UT-040-204B	Central Wah Wah Range	37,238	Set aside and remanded.
UT-040-230	Parunuweap Canyon	[1] 180	Affirmed as modified.
UT-040-247	Paria-Hackberry	24,726	Affirmed in part; set aside and remanded in part.
UT-040-248	Wahweap	137,960	Set aside and remanded.
UT-050-238	Mt. Ellen	30,000	Set aside and remanded in part; appeal dismissed in part.
UT-050-241	Fiddler Butte	62,500	Set aside and remanded.
UT-050-248	Mt. Pennell	60,000	Set aside and remanded.
UT-060-068A	Desolation Canyon	70,000	Affirmed in part; set aside and remanded in part.
UT-060-068B	Floy Canyon	75,100	Set aside and remanded.
UT-060-100B	Diamond Canyon	4,300	Affirmed in part; set aside and remanded in part; appeal dismissed in part.
UT-060-100C	Cottonwood Canyon	21,470	Affirmed in part; set aside and remanded in part.
UT-060-181	Mancos Mesa	51,440	Set aside and remanded.
UT-080-730	Winter Ridge	43,963	Set aside and remanded.

[1] Approximate.

Pursuant to the action by IBLA, BLM will reassess pertinent information related to making a determination if the requisite wilderness characteristics exist within the unit or portion of units on remand from IBLA. A formal public comment period on a proposed decision will be conducted before finalizing and publishing a final decision in the **Federal Register**. The units or portion of units remanded by IBLA will remain under management restrictions imposed by Section 603 of Pub. L. 94-579. Those units or portions of units affirmed or dismissed by IBLA will no longer be subject to management restrictions imposed by Section 603 of Pub. L. 94-579 and are hereby released from further wilderness review. For those units which were affirmed in part or dismissed in part refer to the above list. Those units affirmed by IBLA in total are:

Unit No.	Unit name	Aprox. acreage
UT-040-104	Mountain Home Range	19,000
UT-040-266	East of Bryce	887
UT-050-221B	Fremont Gorge	5,500
UT-060-122/CO-070-132A	Granite Creek	7,920
UT-060-171	Sweet Alice Canyon	9,880
UT-060-191	Cheese Box Canyon	12,110
UT-060-205A	Arch Canyon	7,500

Two inventory unit decisions were reversed by IBLA. Both of these units are now Wilderness Study Areas (WSAs) and will remain under management restrictions imposed by Section 603 of Pub. L. 94-579. The two units are:

Unit No.	Unit name	Approx. acreage
UT-060-139A	Mill Creek	10,320
UT-060-175	Middle Point	5,990

FOR FURTHER INFORMATION CONTACT: Kent Biddulph, Utah BLM Wilderness Coordinator (801) 524-4257.

Dated: June 8, 1983.

Dean E. Stepanek,
Associate State Director.

[FR Doc. 83-16159 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[A-8762 and NM-24763]

Arizona: Realty Action; Competitive Sale of Public Land in Cochise County, Arizona and Hidalgo County, New Mexico

The Bureau of Land Management will offer the following described lands for sale at public auction on August 25, 1983, at 1:00 p.m. at the Douglas City Hall, 425 10th Street, Douglas, Arizona. It has been determined that the sale of these tracts is consistent with Section

203(a)(1) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at no less than the appraised fair market value indicated below.

Parcel	Legal description	Acreage	Value
	GILA AND SALT RIVER MERIDIAN, ARIZONA.		
	T. 20 S., R. 32 E.,		
	Section 11: Lots 1, 2, 3, 4		
	Subtotal	147.88	$11,091
Q	NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO.		
	T. 30 S., R. 22 W.,		
	Section 11: Lots 1, 2, 3, 4		
	Section 14: Lots 1, 2, 3, 4		
	Subtotal	96.00	7,200
	Total Parcel Q	243.88	18,291
	GILA AND SALT RIVER MERIDIAN, ARIZONA.		
R	T. 20 S., R. 32 E.,	80.00	8,000
	Section 15: E½SE¼		
	GILA AND SALT RIVER MERIDIAN, ARIZONA.		
	T. 20 S., R., 32 E.,	73.60	7,360
S	Section 23: Lots 3, 4		

The above land aggregates 301.48 acres in Cochise County, Arizona and 96.00 acres in Hidalgo County, New Mexico near Rodeo, New Mexico.

A patent for the land, when issued, will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

2. All minerals will be reserved to the United States. These mineral estates may be conveyed to the successful bidder subject to Section 209 of the Federal Land Policy and Management Act.

3. A right-of-way under Serial Numbers NM-52975 and A-18639 for a road granted under the authority of the Federal Land Policy and Management Act of 1976 (90 Stat. 2776; 43 U.S.C. 1761) on Parcel Q.

The patent will also be subject to:

1. Those rights granted by Oil and Gas Leases A-13939 and NM-34069, made under Section 29 of the Act of February 25, 1920 (41 Stat. 437) and the Act of March 4, 1933 (47 Stat. 1570). This patent is issued subject to the right of the prior permittee or lessee to use so much of the surface of said land as is required for oil and gas exploration and development operations without compensation, resulting from proper oil and gas operations, for the duration of the leases A-13939 and NM-34069, and any authorized extension of the lease. Upon termination or relinquishment of said oil and gas lease, this reservation shall terminate. This lease applies to all parcels.

2. Those rights granted by a term permit for grazing lease Number 1515, which affect that portion of Parcel Q located in New Mexico including the allowance of continued year-long grazing of 12 head (144 AUMs) until February 29, 1990 at a cost not higher than the BLM grazing fee scheduled for a given year. The date of this Notice provides the beginning of the two year notice of the cancellation of the grazing preference if the land is sold.

3. Those rights granted by a term permit for grazing lease Number 5292, which affect that portion of Parcel Q located in Arizona, and Parcels R and S including the allowance of continued grazing of 5 head (57 AUMs) until May 12, 1985 at a cost not higher than the BLM grazing fee scheduled for a given year.

4. Range improvements consisting of 3.8 miles of fence granted under Permits Number NM 3-4-429 and Arizona Number 1170, located in Parcel Q. In accordance with 43 CFR 4120.6-6, the grazing lessees will be allowed a period of 180 days from the date of cancellation of the range improvement permit to salvage the fences. The cancellation of the range improvement permits will occur at the same time as the cancellation of the grazing.

Upon publication of this Notice in the **Federal Register**, the land described above will be segregated from all forms of non-discretionary appropriation under the public land laws, including the mining laws but excepting the mineral leasing laws, for a period of two years, or until the lands are sold. The segregative effect may otherwise be terminated by the Authorized Officer by publication of a termination notice in the **Federal Register** prior to the expiration of the two-year period.

Lands not sold on August 25, 1983, will be reoffered for sale by competitive bid at the Safford District Office, 425 East 4th Street, Safford, Arizona, at 1:00 p.m. on September 22, 1983. Any remaining unsold land will be available for over-the-counter purchase beginning on September 23, 1983 at 8:00 a.m.

Additional information concerning these lands, terms and conditions of the sale, and bidding instructions may be obtained from the Safford District Manager, 425 East 4th Street, Safford, Arizona 85546, or by calling (602) 428-4040.

For a period of 45 days from the date of this Notice, interested parties may submit comments regarding the proposed action. Any adverse comments will be evaluated by the District Manager who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become the final determination of the Department of the Interior.

Daniel C. B. Rathbun,

District Manager, Las Cruces District, New Mexico.

Dated: June 9, 1983.

Lester K. Rosenkrance,

District Manager, Safford District, Arizona.

Dated: June 9, 1983.

[FR Doc. 83-16164 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 683]

California; Filing of Plat of Survey

June 8, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Humboldt Meridian

T. 8 N., R. 4 E.

2. This plat, in four (4) sheets, representing the dependent resurvey of the boundaries of Hosler Field, the Upper and Lower Settlement Tracts, Soctish Field, the Chenone Field Settlement Site, and Chenone and Norton Fields of the Hoopa Valley Indian Reservation in T. 8 N., R. 4 E., Humboldt Meridian, under Group No. 683, California, was accepted May 11, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau and the Bureau of Indian Affairs.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Dated: June 8, 1983.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-16166 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 663]

California; Filing of Plat of Survey

June 8, 1983.

. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian

T. 10 N., R. 8 W.

2. This plat, representing the corrective resurvey of a portion of the subdivision of section 5, T. 10 N., R. 8 W., Mount Diablo Meridian, under Group No. 663, California, was accepted May 23, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Dated: June 8, 1983.

Herman J. Lyttge,

Chief, Records and Information Section.

[FR Doc. 83-16187 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[Group 822]

California; Filing of Plat of Survey

June 9, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian

T. 26 S., R. 38 E.

2. This plat, representing the dependent resurvey of a portion of the subdivisional lines and the survey of the subdivision of sections 15, 22, 25, and 26, T. 26 S., R. 38 E., Mount Diablo Meridian, under Group No. 822, California, was accepted May 19, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Dated: June 8, 1983.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-16188 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

California; Filing of Plat of Survey

June 8, 1983.

1. This plat of survey of the following described land will be officially filed in the California State Office, Sacramento, California immediately:

Mount Diablo Meridian

T. 16 N., R. 9 E.

2. This supplemental plat of the W½ of section 19, T. 16 N., R. 9 E., Mount Diablo Meridian, was accepted May 19, 1983.

3. The plat will immediately become the basic record for describing the land for all authorized purposes. The plat has been placed in the open files and is available to the public for information only.

4. This survey was executed to meet certain administrative needs of this Bureau.

5. All inquiries relating to this land should be sent to the California State Office, Bureau of Land Management, Federal Office Building, 2800 Cottage Way, Room E-2841, Sacramento, California 95825.

Dated: June 8, 1983.

Herman J. Lyttge,

Chief, Records & Information Section.

[FR Doc. 83-16189 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Casper District, Wyoming; Availability of Coal Core Analyses

AGENCY: Bureau of Land Management, Interior.

ACTION: Public notice of availability of four coal analyses within the Thunder Basin National Grasslands, Campbell County, Wyoming.

SUMMARY: Notice is hereby given that Bureau of Land Management (BLM) core analyses of four coal test holes located in the Thunder Basin National Grasslands of Campbell County, Wyoming, are now available to the public. The analyses, completed January 1982, as a result of U.S. Geological Survey, Conservation Division efforts during 1981 in support of the Federal coal management program, provide geologic information necessary to evaluate and classify coal resources on lands in the public domain.

The test holes, located in Townships 41, 42, and 43 North, Range 70 West, Sixth Principal Meridian, Wyoming, were designed to investigate coal quality in the Fort Union Formation of Paleocene age in the Eastern Powder River Basin of northeastern Wyoming.

Location of documents: Copies are available for reproduction at the address listed below.

FOR FURTHER INFORMATION CONTACT: To obtain copies for reproduction of the coal analyses or for additional information contact: Barbara L. Harris, Geologist, Casper District—Branch of Solid Minerals, 111 S. Wolcott, Room 111, Casper, Wyoming 82601, (307) 261-5181.

Dated: June 15, 1983.

Leslie A. Olver,

Acting District Manager.

[FR Doc. 83-16200 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[C-4275 and C-0125366]

Colorado; Coal Lease Applications; Rio Blanco County; Public Hearing and Request for Public Comments

The Department of the Interior, Bureau of Land Management, Colorado State Office, Denver, Colorado, hereby gives notice that a public hearing will be held on July 20, 1983, at 7:30 p.m. at the Fairfield Center, Basement Conference Room, 200 Main Street, Meeker, Colorado 81641. Applications have been made to the United States that it lease non-competitively coal resources in the public lands hereinafter described:

The coal resource to be leased under Serial No. C-4275 is located in the following-described lands approximately 9 miles northeast of Meeker, Colorado:

T. 2 N., R. 92 W., 6th P.M.
Sec. 31, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 32, W½NW¼, NW¼SW¼.
The area described contains 480 acres.

The coal resource to be leased under Serial No. C-0125366 is located in the following-described lands approximately 9 miles northeast of Rangely, Colorado:

T. 3 N., R. 102 W., 6th P.M.
Sec. 22, All.
The area described contains 640 acres.

The purpose of the hearing is to obtain public comments on the Environmental Assessments and on the following items: (1) The method of mining to be employed to obtain maximum economic recovery of the coal; (2) the impact that mining the coal in the proposed leaseholds may have on the area,

including, but not limited to, impacts on the environment.

Written requests to testify orally at the July 20, 1983, public hearing should be received at the Craig District Office, Bureau of Land Management, P.O. Box 248, Craig, Colorado 81625, prior to the close of business July 19, 1983. People who indicate they wish to testify when they check in at the hearing room may have an opportunity to testify if time is available after the listed witnesses have been heard. Both oral and written comments will be received at the public hearing, but speakers will be limited to a maximum of three or five minutes each depending on the number of persons desiring to comment. The time limitation will be strictly enforced, but the complete text of prepared speeches may be filed with the presiding officer at the hearing, whether or not the speaker has been able to finish oral delivery in the allotted minutes.

Written comments may also be submitted to Craig District Office at the above address, prior to close of business on July 22, 1983. Substantive comments, whether written or oral, will receive equal consideration prior to any lease issuance.

The Environmental Assessments will be available for review in the Craig District Office and the White River Resource Area Office at Meeker, Colorado. Single copies are available for distribution upon request from the Craig District Office at the above address.

Copies of the Environmental Assessments and the case files will be available for public inspection at the Colorado State Office, Bureau of Land Management, 1037—20th Street, Denver, Colorado 80202.

Rodney A. Roberts,

Chief, Mineral Leasing Section.

[FR Doc. 83-16167 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[CA 13616]

Geothermal Resources Lease Sale, East Brawley, East Mesa, Dunes Glamis, Mono Long Valley, Salton Sea, and Wendel Amedee KGRA's

Notice is hereby given that approximately 72,365.20 acres of land in 35 parcels within East Brawley (7,253.52 acres), East Mesa (1,560.00 acres), Dunes, (3,280.47 acres), Glamis (13,375.64), Mono Long Valley (31,736.64), Salton Sea (13,775.04 acres), and Wendel Amedee (1,383.89 acres) KGRA's in Imperial, Mono, and Lassen Counties, California will be offered competitively for lease under the Geothermal Steam Act of 1970 through sealed bids to the qualified responsible bidder of the highest cash amount per parcel. Bids will be received until 10:00 a.m. on July 19, 1983.

For further information contact the California State Office, Division of Operations, Room E-2605, 2800 Cottage Way, Sacramento, California 95825. Phone (916) 484-4492.

Dated: June 10, 1983.

Joan B. Russell,

Chief, Leasable Minerals Section.

[FR Doc. 83-16195 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Land Use Analysis on BLM Administered Lands in Eastern Plains Planning Units

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Land Use Analysis on BLM Administered Lands in Eastern Plains Planning Units (05-07).

SUMMARY: This notice issued pursuant to 43 CFR Parts 1600 and 2700, invites public review and comment on preliminary issues and planning criteria to be used in completing a land use analysis on a proposal to offer for sale certain public lands, administered by BLM, located in eastern counties of Colorado.

This proposed planning action involves preparation of a land use analysis and an environmental assessment utilizing input received from the public. The analysis and environmental assessment to be completed on or about December 29, 1983, will be prepared in accordance with 40 CFR Part 1500 and will include a determination of the consistency of the proposed action with the policies and programs of local, state, and other Federal agencies. A decision statement will then be issued by the District Manager with the concurrence of the State Director allowing a 30-day protest period (43 CFR 1601.6-1).

The public lands administered by BLM being analyzed and considered in this land use analysis are:

County	Acres
Kiowa	3,810
Prowers	830
Baca	1,266
Las Animas	1,040
Bent	1,135
Otero	4,292
Crowley	2,740
Pueblo	16,515
Total	31,628

If any lands are found potentially suitable for public sale during this planning effort, these lands will be offered at fair market value with all minerals reserved to the United States.

Preliminary issues identified include: economics of continued management as part of the public lands, rights of premittees and lessees, interests of adjoining landowners, and consistency with the plans and programs of other government entities.

Planning criteria to be used in evaluating the proposal are:

1. Public lands may be offered for sale when such lands, because of location or other characteristics, are difficult and uneconomical to manage and are not suitable for management by another Federal, state, or local public entity.

2. Disposal of these lands would better serve the public than retaining and managing such lands under Federal ownership.

The interdisciplinary team performing the land use analysis/environmental assessment represents the following disciplines: realty, wildlife, geology, cultural resources, recreation, and economics.

Public participation will be obtained by a public comment period initiated by this notice. Comments received on or before July 27, 1983, will be considered. An open house will be held July 12, 7:00 p.m. at the Sangre de Cristo Arts Center in Pueblo, Colorado, to allow the public the opportunity to discuss this planning effort and potential land disposal. Preliminary Issues and Planning Criteria will be available for review.

Comments or requests for further information should be addressed to: James Sazama, Area Manager, RGRA-BLM, P.O. Box 1470, Canon City, Colorado 81212; telephone (303) 275-7578.

Copies of the land use analysis and the environmental assessment will be available for review at the Royal Gorge Resource Area Office listed above and at the Canon City District Office, 3080 East Main Street, Canon City, Colorado.

Melvin D. Clausen,

District Manager.

[FR Doc. 83-16203 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Lands and Realty Planning Amendment

Summary: This notice issued pursuant to 43 CFR Part 1600, invites public review and comment on preliminary issues and planning criteria to be used in evaluating a proposal to offer for public sale certain public lands located in the San Luis Valley of Colorado.

The proposed planning action involves preparation of a Lands and

Realty Planning amendment and an environmental assessment utilizing input received from the public. The Lands and Realty Planning amendment and environmental assessment to be completed on or about March 5, 1984, will be prepared in accordance with 40 CFR 1500 and will include a determination of the proposed action's consistency with the policies and programs of local, state, and other federal agencies. A decision statement will then be issued by the District Manager with the approval of the State Director allowing a thirty-day protest period (43 CFR 1601.6-1).

The public lands being analyzed and considered as potentially suitable for public sale are:

County	Acres of public land
Alamosa	1,962.85
Conejos	1,625.22
Hinsdale	66.58
Rio Grande	478.43
Saguache	4,393.20
Total	8,526.28

Preliminary issues identified include: economics of continued management as part of the public lands, rights of permittees and lessees, interests of adjoining landowners, and consistency with the plans and programs of other government entities.

Planning criteria to be used in evaluating the proposal are:

1. Public lands may be offered for public sale when such lands, because of location or other characteristics, are difficult and uneconomic to manage and are not suitable for management by another federal, state, or local public entity.

2. Disposal will serve important public objectives which outweigh public objectives and values which would be served by maintaining such lands in federal ownership.

The interdisciplinary team performing the Lands and Realty Planning amendment and the environmental assessment represent the following disciplines: Realty, Range, Wildlife, Geology, Cultural Resources, Recreation, and Economics.

Public participation will be obtained by a public comment period initiated by this notice. Comments received on or before August 30, 1983, will be considered.

Comments or requests for further information should be addressed to: Tom Sieverding, Area Manager, SLRA—BLM, 1921 State Street, Alamosa, Colorado 81101; phone (303) 589-4975.

Copies of the Lands and Realty Planning amendment and the environmental assessment will be available for review at the San Luis Resource Area Office listed above, and at the Canon City District Office, 3080 East Main Street, Canon City, Colorado 81212.

Melvin D. Clausen,

District Manager.

[FR Doc. 83-16194 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[M 43611]

Montana; Conveyance and Order Providing for Opening of Public Lands

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of Conveyance and Order Providing for Opening of Public Lands in Powell County, Montana.

SUMMARY: Notice is hereby given that pursuant to Section 206 of the Act of October 21, 1976 (43 U.S.C. 1716 (1976)), the following described land was conveyed to Burlington Northern Railroad Company:

Principal Meridian, Montana

T. 12 N., R. 17 W.,
Sec. 4, Lots 1, 2, 3, SW¼NE¼, SE¼NW¼; and
Sec. 6, All.
T. 13 N., R. 17 W.,
Sec. 18, Lots 4, 5, 6, 7, S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 20, All;
Sec. 22, Lots 3 and 4, W½ and W½SE¼;
Sec. 26, All;
Sec. 28, N½ and SE¼;
Sec. 30, All;
Sec. 31, Lots 6 and 7, N½SE¼;
Sec. 32, Lots 1, 2, 3, 4, W½NW¼ and N½SW¼; and
Sec. 34, All.
T. 12 N., R. 18 W.,
Sec. 1, Lots 5, 6, 7, 8 and 9.

Aggregating 5,478.98 acres.

In exchange for the above land, the United States acquired the following described land in Powell County, Montana:

Principal Meridian, Montana

T. 13. N., R. 12 W.,
Sec. 19, All.
T. 12 N., R. 13 W.,
Sec. 1, All; and
Sec. 3, Lots 1 and 2, S½NE¼, SE¼.
T. 13 N., R. 13 W.,
Sec. 25, All;
Sec. 27, All;
Sec. 29, All;
Sec. 33, All; and
Sec. 35, All.

Aggregating 4,810.50 acres.

This order restores the lands acquired by the United States to the operation of the public land laws generally.

DATES: At 9 a.m. on September 1, 1983, the lands shall be open to the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All applications received at or prior to 9 a.m. on Septmenber 1, 1983, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: June 10, 1983.

Edgar D. Stark,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 83-16191 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

[OR 23999]

Oregon; Order Providing for Opening of Public Lands

1. A Notice of Airport Lease application was published in the **Federal Register** (45 FR 65323) dated Thursday, October 2, 1980. The following described land was segregated from all forms of appropriation pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214):

Willamette Meridian

T. 2 S., R. 4 E.,
Sec. 35, SW¼NE¼ and S½NW¼.

The area described contains 120.00 acres in Clackamas County, Oregon.

2. The application was rejected except as to the following described land which has been approved for lease and remains segregated from all forms of appropriation:

Willamette Meridian

T. 2 S., R. 4 E.,
Sec. 35, Beginning at the point of intersection of the projected airport runway centerline and the east line of the SW¼NE¼ of said Sec. 35; thence north along said east line 126.36 feet to an iron pipe; thence N 74°47′30″ W, 1,657.81 feet to an iron pipe; thence S 09°29′30″ W, 577.24 feet to an iron pipe; thence S 86°13′30″ E, 1,694.00 feet, more or less, to an iron pipe, said pipe located on said east line; thence north along said east line 126.36 feet to the point of beginning.

The area described contains approximately 15.74 acres in Clackamas County, Oregon.

3. At 9:30 a.m., on July 22, 1983, the land described in paragraph 1, except as provided in paragraph 2, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of

applicable law. All valid applications received at or prior to 9:30 a.m., on July 22, 1983, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

4. At 9:30 a.m., on July 22, 1983, the land described in paragraph 1, except as provided in paragraph 2, will be open to location under the United States mining laws. Appropriation of land 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. 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.

5. The land has been and remains open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Dated: June 8, 1983.

Harold A. Berends,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 83-16198 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Roseburg District Advisory Council; Meeting

Notice is hereby given that in accordance with Section 309 of the Federal Land Policy and Management Act (as amended), the Roseburg District Advisory Council will meet July 19, 1983. The meeting will convene at 9:30 a.m. in the conference room at the Rosenburg District Office, 777 N.W. Garden Valley Blvd., Roseburg, Oregon. Agenda items will include: (1) Discussion of the final environmental impact statement on the district's 10-year timber management plan; (2) an overview of the Fiscal Year 1984 timber sale plan; and (3) an update on possible land sales in the Roseburg BLM District during Fiscal Year 1984.

All Council meetings are open to the general public and news media. Interested persons or organizations may make oral statements to the Council at 11:30 a.m. or they may file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager by July 12, 1983. Depending upon the number of people wishing to speak, a per person time limit may be established by the District Manager.

Summary minutes of each Council meeting will be maintained in the Roseburg District Office and will be available for public inspection and copying during regular business hours within 30 days following the meeting.

For more information, contact Gary Majors, Public Information Officer, telephone (503) 672-4491.

Dated: June 7, 1983.

James E. Hart,

District Manager.

[FR Doc. 83-16161 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Salem District Advisory Council; Meeting

Notice is hereby given in accordance with Section 309 of the Federal Land Policy and Management Act of 1976 that a meeting of the Salem District Advisory Council will be held on July 15, 1983, at 8:30 a.m. at the BLM Salem District Office, 1717 Fabry Road S.E., Salem, Oregon.

Agenda for the meeting will include:

1. Briefing on the East Salem Final Environmental Impact Statement.
2. Oral statements from the public.
3. Briefing on public comments received regarding proposed decision on the Westside Salem Timber Management Plan.
4. Discussion and development of recommendations on the proposed decision on the Westside Salem Timber Management Plan.
5. Discussion on future council meetings.

The meeting is open to the public. Any organization, associations or individual may file a statement or appear before the council regarding topics on the meeting agenda. Anyone wishing to make an oral statement must notify the Salem District Manager, P.O. Box 3227, Salem, Oregon 97302, by July 11, 1983. Summary minutes will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: June 7, 1983.

Joseph C. Dose,

District Manager.

[FR Doc. 83-16160 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-84-M

Minerals Management Service

Monthly Meeting of the Advisory Committee on Minerals Accountability

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of monthly meeting.

SUMMARY: The purpose of the Advisory Committee on Minerals Accountability is to develop over a 1-year period an expanded policy of cooperation with States and Indian tribes in the royalty management area and to develop a detailed plan for carrying out Federal/State/Indian cooperation on a comprehensive basis. The purpose of the Advisory Committee meeting will be to have State representatives and any other interested parties discuss with the Committee the Federal Oil and Gas Guidelines explaining Royalty Valuation Procedures. In addition, the Audit Standards governing Sections 202 and 205 will be discussed.

The meeting will be open to the public. However, facilities and space to accommodate attendees are limited and persons will be accommodated on a first-come, first-serve basis. Any member of the public may file with the Advisory Committee a written statement concerning the matters to be discussed.

Notice of the next monthly meeting will be published 15 days before the meeting is to take place.

DATE: Wednesday, June 29, 1983, 9:00 a.m.

ADDRESS: Casper Hilton Inn, I-25 at Rancho Road, Casper, Wyoming.

FOR FURTHER INFORMATION CONTACT: John Sullivan, Department of the Interior, 18th & C Streets, N.W., Room 4216, Washington, D.C. 20240, telephone: (202) 343-3526.

SUPPLEMENTARY INFORMATION: The Advisory Committee was created by the Secretary of the Interior on November 15, 1982 (Order No. 3071).

The Committee will have one or more Executive Sessions at this meeting.

Dated: June 13, 1983.

David C. Russell,

Acting Director, Minerals Management Service.

[FR Doc. 83-16215 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee

Act that a meeting of the San Antonio Missions Advisory Commission will be held at 1:30 p.m., Tuesday, June 21, 1983, at the Federal Building, 727, E. Durango, Room A612, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95-629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

—Park Operations Update;
—Commissioners' Committee Reports;
—Gifts Catalog Slide Presentation.

The meeting will be open to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first-come, first-serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone (512) 229-6000.

Minutes of the meeting will be available for public review approximately four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: June 1, 1983.

Robert Kerr,

Regional Director, Southwest Region.

[FR Doc. 83-16096 Filed 6-15-83; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-134]

Treadmill Joggers; Initial Determination Terminating Respondents on the Basis of Settlement Agreement

AGENCY: U.S. 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 respondents on the basis of a settlement agreement: Heinz Kettler Metallwarenfabrik GmbH & Co. & Kettler International, Inc. (Kettler).

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 June 10, 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 respondents. 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: June 13, 1983.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16170 Filed 6-15-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Volume No. OP2-FC-261]

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

The 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.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 2, (202) 275-7030.

MC-FC-81378. By decision of June 7, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, and the Review Board approved the transfer to American International Freight Co., Inc., of Springfield, VA, of Permit No. FF-471 Sub 1, to American International Freight Forwarding, Inc., of Arlington, VA, authorizing authority to engage in operations as a freight forwarder, in the transportation of (a) used household goods and unaccompanied baggage; and (b) used automobiles, between points in the U.S. (including HI, but excluding AK).

Representative: Martin R. Martino, 333 So. Glebe Rd., Arlington, VA 22204 (703) 979-1627.

MC-FG-81417. By decision of June 7, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer the Brighton Van Lines, INC., of Troy, MI, of Certificates No. MC-5722 and Sub-No. 2, issued March 15, 1957, and January 31, 1974, respectively, to M. T. P. R. CORP., of Orlando, FL, authorizing, as a common carrier, over irregular routes, the transportation of (1) household goods, (a) between Detroit, MI, and points within five miles of Detroit, on the one hand, and, on the other, points in OH and PA, and (b) between Detroit, MI, and points within ten miles of Detroit, on the one hand, and, on the other, points in IL, NY, IN, MD, NJ, OH, PA, WI, VA, WV, CT, MA, and DC, St. Louis, MO, and points in MO within ten miles of St. Louis, and points in KY bordering on the Ohio River; and (2) household goods, and used store fixtures and office fixtures, between points in St. Clair, Sanilac, and Huron Counties, MI, on the one hand, and, on the other, the U.S-Canada boundary line through the port of entry at Port Huron, MI, and points in WI, IL, IN, OH, KY, PA, and NY. Representative: William B. Elmer, P.O. Box 801 Traverse City, MI 49685-0801, (616) 941-5313.

MC-FC-81447. By decision of June 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer to PRIME TRANSFER, INC., of Morristown NJ, of certificate No. MC-92193, issued October 11, 1966, to Despatch Moving & Storage Co., Inc., of New York, NY, authorizing, as a common carrier, over irregular routes, the transportation of household goods, between New York, NY, and points in Westchester County , NY, on the one hand, and, on the other, points in CT, NY, NJ, PA, RI, MA, MD, DE, and DC. Representative: Arthur J. Piken, 95-25 Queens Blvd., Rego Park, NY 11374, (202) 275-100.

MC-FC-81465. By decision of June 8, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1181, the Review Board approved the transfer to 4H MOUNTAIN VALLEY EXPRESS, INC., Los Angeles, CA, of authority issued to Peerless Trucking Company, City of Commerce, CA, in Certificate MC-96622 (Sub-No. 6)X, issued July 27, 1981 (and the underlying authority in MC-96622 (Sub-No. 5), issued Novermber 7, 1980), authorizing the transportation of general commodities (except clasess A and B explosives), between Los Angeles, CA, on the one hand, and, on the other, points in San Diego, Orange, Riverside, San Bernardino, Ventura, Los Angeles, Kern, Santa Barbara, San Luis Obispo, Kings, Tulare, Monterey, San Benito, San Joaquin, Fresno, Madera, Stanislaus, Merced, Santa Clara, Santa Cruz, San Mateo, San Francisco, Alameda, Contra Costa, Marin, Napa, Solano, Calaveras, Amador, and Sacramento Counties, CA. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA, 90602.

Note.—Issuance of a certificate in this proceeding is conditioned upon coincidental cancellation of Certificate of Registration MC-96622 (Sub-No. 3), issued April 14, 1964, pursuant to applicant's request.

[FR Doc. 83-16146 Filed 6-15-83 8:45 am]

BILLING CODE 7035-01

[Proposed Exemptions—OP3-261]

Motor Carriers; Proposed Exemptions; Alltex Industries, Inc., et al.

AGENCY: Interstate Commerce Commission.

ACTION: Notices of proposed exemptions.

SUMMARY: The motor carriers shown below seek exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 11343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982).

DATES: Comments must be received within 30 days after the date of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood, (202) 275-7977.

SUPPLEMENTARY INFORMATION: Please refer to the petition for exemption, which may be obtained free of charge by contacting petitioner's representative. In the alternative, the petition for exemption may be inspected at the offices of the Interstate Commerce Commission during usual business hours.

Decided: June 10, 1983.

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

Agatha L. Mergenovich,

Secretary.

MC-F-15302; Alltex Industries, Inc.—Control Exemption—Wales Transportation, Inc.

Alltex Industries, Inc. (Alltex), and in turn, Edward L. McCormick (McCormick) seek an exemption from the requirements under 49 U.S.C. 11343 of prior regulatory approval for their acquisition of control of Wales Transportation, Inc. (Wales) (MC-83835). McCormick also owns 150 shares of preferred stock in C.A. White Trucking Company (MC-60157), which owns all of the stock of Federal Transport, Inc. (MC-167537). Send comments to: (1) Motor Section, Room 2139 Interstate Commerce Commission Washington, D.C. 20423, and (2) Petitioner's representative James W. Hightowers 5801 Marvin D. Love Freeway-Suite 301 Dallas, TX 75237. Comments should refer to No. MC-F-15302.

Petitioners

MC-F-15312; E. L. Tidd Truck Lines, Inc.—Purchase Exemption—Whiteford Truck Lines, Inc.

E. L. Tidd truck lines, Inc., seeks an exemption from the requirement under section 11343 of prior regulatory approval for its purchase of a portion of the operating rights of Whiteford Truck Lines, Inc. (No. MC-133635 Sub-Nos. 63, 69 and 71). Send comments to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioners' representative; Mr. Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. Comments should refer to No. MC-F-15312.

[FR Doc. 83-16152 Filed 6-16-83 8:45 am]

BILLING CODE 7035-01-M

Office of Proceedings

Motor Carriers; Permanent Authority Decisions, Restriction removals

The following restriction removal applications, are governed by 49 CFR 1165. Part 1165 was published in the Federal Register of December 31, 1980, at 45 FR 86747 and redesignated at 47 FR 49590, November 1, 1982.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1165.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, The Review Board, Members Joyce, Fortier, and Krock.

Agatha L. Mergenovich,

Secretary.

Please direct status inquiries to Team 3, at (202) 275-5223.

MC 124964 (Sub-75)X, filed May 25, 1983. Applicant: BOOTH TRANSPORT, INC., P.O. Box 265, Tavares, FL 32778. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., N.W., Washington, DC 20006, (202) 828-5015. Sub-No. 38F permit: (1) remove the restriction limiting the service to transportation "in vehicles equipped with mechanical refrigeration," and (2) broaden the territorial description to between points in the U.S. (except AK and HI), under continuing contract(s) with named shipper.

[FR Doc. 83-16145 Filed 6-15-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

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 (excepts those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Agatha L. Mergenovich,

Secretary.

Note.— All applications are for authority to operate as a motor common carrier in interstate or foreign commerce, over irregular routes unless noted otherwise. Applications for motor contract carrier authority are those where service in for a named shipper "under contract."

Please direct status inquiries to Team 1, (202) 275-7992.

Volume No. OP1-216

Decided: June 10, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Joyce.

MC 16691 (Sub-2), filed May 31, 1983. Applicant: EMERSON ELECTRIC CO., 514 Earth City Expressway, Suite 100, Earth City, MO 63045. Representative: Fred Lenkman (same address as applicant), (314) 291-8281. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168320, filed May 25, 1983. Applicant: NEWGATE, INC., 2109 Marydale Ave., Williamsport, PA 17701. Representative: E. Stephen Heisley, 1919 Pennsylvania Ave., NW, Suite 500, Washington, DC 20006, (202) 828-5015. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 168371, filed May 31, 1983. Applicant: FOX VALLEY COACHES, INC., 704 Raymond Street, Elgin, IL 60120. Representative: James E. Wilson (same address as applicant), (312) 695-8853. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

For the following, please direct status calls to Team 3 at 202-275-5223.

Volume No. OP3-247

Decided: June 1, 1983.

By the Commission, Review Board Members Carleton, Parker, and Joyce.

MC 163215 (Sub-1), filed May 17, 1983. Applicant: TOWNE VAN LINES OF TEXAS, INC., P.O. Box 17005, San Antonio, TX 78217. Representative: Alan F. Wohlstetter, 1700 K St., NW., Washington, DC 20006, (202) 833-8884. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 168025, filed May 13, 1983. Applicant: FW FREIGHT SERVICE, INC., 12675 Stephenson-Levey Rd.,

Burleson, TX 76028. Representative: A. William Brackett, 623 So. Henderson, 2nd Fl., Fort Worth, TX 76104, (817) 332-4415. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168084, filed May 16, 1983. Applicant: DOUBLE "M" TRANSPORT, Rt. 1, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521-8121. Transporting, 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).

MC 168125, filed May 17, 1983. Applicant: PAUL T. KUPRAS d.b.a. NORCAL TRANSPORTATION CONSULTANTS, 340 Goshen Ct., San Ramon, CA 94583. Representative: Paul T. Kupras (same address as applicant), (415) 828-5208. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168134, filed May 18, 1983. Applicant: KOT ENTERPRISES, P.O. Box 909, Trenton, FL 32693. Representative: Hughan R. H. Smith, 26 Kenwood Pl., Lawrence, MA 01841, (617) 657-6071. 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 168194, filed May 20, 1983. Applicant: ROSS TRUCKING, INC., 7525 Mitchell Rd., Eden Prairie, MN 55344. Representative: C. Jack Pearce, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC 20036, (202) 785-0048. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

Volume No. OP3-255

Decided: June 7, 1983.

By the Commission, Review Board members Joyce, Dowell, and Carleton.

MC 105154 (Sub-16), filed May 27, 1983. Applicant: TETON STAGE LINES, INC., Rt. 5, Box 402, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Over regular routes transporting *passengers*, between Pocatello and Idaho Falls, ID, over U.S. Hwy 15, serving all intermediate points.

Note.—Applicant seeks to provide regular-route service in interstate or foreign commerce and in intrastate commerce under 49 U.S.C. 10922(c)(B) over the same route.

MC 105154 (Sub-16(a)), filed May 27, 1983. Applicant: TETON STAGE LINES, INC., Rt. 5, Box 402, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343-3071. Transporting 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.

MC 160254 (Sub-1), filed May 18, 1983. Applicant: ALERT COACH LINES, INC., 24 Railroad Ave., East Northport, NY 11731. Representative: John V. N. Klein, One Huntington Quadrangle, Suite One North Nine, Melville, NY 11747, (516) 293-1300. Transporting *passengers*, in charter and special operations, beginning and ending at points in Nassau and Suffolk Counties, NY and extending to points in the U.S. (except HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168154, filed May 18, 1983. Applicant: C.H.L. BROKERS, INC., P.O. Box 234, Blaine, ME 04734. Represenative: Roland B. Durost (same address as applicant), (207) 429-9498. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168204, filed May 23, 1983. Applicant: CLASSIC CRUISERS, INC., 236 West County Line Road, P.O. Box 1053, Jackson, NJ 08527. Representative: Mark R. Waterhouse, 1 Farmhouse Drive, Marlboro, NJ 07746, (201) 536-8975. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI)

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168224, filed May 23, 1983. Applicant: FUN CHARTER LINES, 1930 S. Alma School Rd., No. B204, Mesa, AZ 85202. Representative: Donald R. Hedrick, P.O. Box 4334, Santa Ana, CA 92702, (714) 667-8107. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded charter and special transportation.

MC 168244, filed May 23, 1983. Applicant: COTY ENTERPRISES, LTD., 600 Richmond Terrace, Staten Island, NY 10301. Representative: Robert J. Gallagher, 1435 G St., NW., Suite 848, Washington, DC 20005, (202) 628-1642. Transporting (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, and (3) *passengers*, in special and charter operations, between points in the U.S. (except AK and HI).

Note.—Applicant seeks to provide privately-funded special and charter transportation in (3) above.

MC 168244 (A), filed May 23, 1983. Applicant: COTY ENTERPRISES, LTD., 600 Richmond Terrace, Staten Island, NY 10301. Representative: Robert J. Gallagher, 1435 G St., N.W., Suite 848, Washington, D.C. 20005, (202) 628-1642. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168245, filed May 23, 1983. Applicant: GENE AKINS, d.b.a. GENE AKINS TRUCKING CO., Route 4, Box 5160, Weatherford, TX 76086. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768 (512) 476-6391. 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 168264, filed May 23, 1983. Applicant: BAG LUMBER AND STEEL BROKERS, INC., P.O. Box 186, Fayette, AL 35542. Representative: Daniel T. Bagwell (same address as applicant) (205) 932-3100. As a *broker of general commodities* (except household goods), between points in the U.S. (except AK and HI).

MC 168344, filed May 24, 1983. Applicant: FIORE BUS SERVICE, INC., 24 Bennett Highway, U.S. Route 1, Saugus, MA 01906. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103 (413) 781-8205. Transporting *passengers*, in charter and special operations, between points in the U.S. (except AK and HI).

Note:—Applicant seeks to provide privately-funded charter and special transportation.

MC 168384, filed May 27, 1983. Applicant: PLEASURE MOTORCOACH, INC., 2708 Interlacken Dr., Springfield, IL 62704. Representative: Bruce E. Mitchell,

Fifth Floor, Lenox Towers, 3390 Peachtree Rd., N.E., Atlanta, GA 30326 (404) 262-9488. Transporting *passengers*, in charter and special operations, between points in the U.S. (except HI).

Note:—Applicant seeks to provide privately-funded charter and special transportation.

[FR Doc. 83-16153 Filed 6-15-83; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight forwarders; Water Carriers; Husehold Goods Brokers. The following applications for motor common or contract carriers or 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

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.

Please direct status inquiries to Team One at (202) 275-7992.

Volume No. OP1-213

Decided: June 7, 1983.

By the Commission, Review Board Members Krock, Carleton, and Parker.

MC-52460 (Sub-344), filed May 26, 1983. Applicant: ELLEX TRANSPORTATION, INC., 1420 West 35th St., Tulsa, OK 74107. Representative: William P. Parker, 4400 N. Lincoln, Suite 10, Oklahoma City, OK 73105 (405) 424-3301. Transporting *general commodities* (except classes A and B explosives), (a) between points in CT, DE, MA, MD, ME, MT, ND, NH, NJ, NY, PA, RI, SD, VT and WY, and (b) between points in CT, DE, MA, MD, ME, MT, ND, NH NJ,NY, PA, RI, SD, VT, and WY, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, NE, NM, NV, OH, OK, OR, SC, TN, TX, UT, VA, WA, WI and WY.

MC 146730 (Sub-12), filed May 23, 1983. Applicant: L & W TRANSPORTATION, INC. Route 3, Box 214A, Sedalia, MO 65301. Representative: Robert B. Reeser, Jr., P.O. Box 388, Sedalia, MO 65301 (816) 827-4410. 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 R & R Truck Brokers, Inc., of Central Point, OR.

MC 146730 (Sub-13), filed May 23, 1983. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 214A, Sedalia, MO 65301. Representative: Robert B. Reeser, Jr., P.O. Box 388, Sedalia, MO 65310 (816) 827-0314. 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 Broderick and Bascom Rope Co., Inc., of Sedalia, MO.

MC 159040 (Sub-3), filed May 24, 1983. Applicant: K.I.S.S. EXPRESS CO., 4820 W. Belmont, Chicago, IL 60641. Representative: Larry M. Preston (same address as applicant) (312) 545-7575. 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 Douglas Furniture Corp., American Backhaulers Corp., Arvey Paper and Supplies Corp., and Gotham Chicago Corp., all four of Chicago, IL, and Future Foam, Inc., of Council Bluffs, IA, and White Felt, Inc., of Rushville, IN.

MC 163250 (Sub-1), filed May 31, 1983. Applicant: VASS LIQUID TRANSPORT, INC., 6433 Wilshire Drive, Tampa, FL 33615. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI (401) 884–0969. 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 The Hubinger Company, of Keokuk, IA, and H.P. Hood, Inc., of Dunedin, FL.

MC 166780, filed May 23, 1983. Applicant: SEA BRIGHT TRANSPORTATION COMPANY, INC., 106 North St., Wilder, KY 41071. Representative: Lewis S. Witherspoon, 2455 North Star Road, Columbus, OH 43221 (614) 486–0448. 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 Sea Bright Environmental Co., Inc., of Wilder, KY.

Volume No. OP1–215

Decided: June 10, 1983.

By the Commission, Review Board Members Carleton, Fortier, and Joyce.

MC 2900 (Sub-469), filed May 31, 1983. Applicant: RIDER TRUCK LINES, INC., P.O. Box 2408, Jacksonville, FL 32203. Representative: S. E. Somers, Jr. (same address as applicant), (904) 353–3111. 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 Federated Department Stores, Inc., of Cincinnati, OH.

MC 28241 (Sub-3), filed May 31, 1983. Applicant: ASSOCIATED STORAGE & VAN, INC., 120 West Monroe St., Kokomo, IN 46901. Representative: Constance J. Goodwin, Suite 800, Circle Tower Bldg., Five East Market St., Indianapolis, In 46204, (317) 634–8313. Transporting *household goods*, between points in IN, MI, and OH, on the one hand, and on the other, points in the U.S. (except AK and HI, and OR).

MC 115730 (Sub-101), filed May 31, 1983. Applicant: THE MICKOW CORP., P.O. Box 1774, Des Moines, IA 50306. Representative: Cecil L. Goettsch, 1100 Des Moines Bodg., Des Moines, IA 50307, (515) 243–4191. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in the U.S. (except AK and HI).

MC 118561 (Sub-23), filed May 31, 1983. Applicant: HERBERT B. FULLER, d.b.a. FULLER TRANSFER COMPANY, 212 East Street, Marysville, TN 37801. Representative: Calvin R. Turner, Jr., P.O. Box 517, Evergreen, AL 36401, (205) 578–3212. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in AL, AR GA, IL, IN, IA, KY, LA, MS, MO, NC, OH, PA, SC, TN, TX, and WI.

MC 144370 (Sub-13), filed May 31, 1983. Applicant: DON NASS TRUCKING, INC., 210 Front St., Clinton, WI 53525. Representative: Richard A. Westley, 4506 Regent St., Suite 100, P.O. Box 5086, Madison, WI 53705–0086, (608) 238–3119. Transporting (1) *food and related products*, between points in the U.S. (except AK and HI), under continuing contract(s) with manufacturers and distributors of containers.

MC 147251 (Sub-2), filed May 25, 1983. Applicant: FRISKNEY & HARDING TRUCKING, INC., P.O. Box 3, Kendallville, IN 46755. Representative: James P. Kirkhope, P.O. Box 15296, Fort Wayne, IN 46885, (219) 422–8884. Transporting *general commodities* (except classes A and B explosives, and household goods), between points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, UT, VT, VA, WV and WI.

MC 138101 (Sub-3), filed May 23, 1983. Applicant: DOUGLAS ARMORE, d.b.a. DOUGLAS AMORE'S HEAVY DUTY WRECKER SERVICE, 355 Gale Street, Oconto, WI 54153. Representative: Daniel R. Dineen, 710 N. Plankinton Avenue, Milwaukee, WI 53203, (414) 273–7410. Transporting *disabled motor vehicles and replacement vehicles*, between points in the Upper Peninsula of MI, and points in WI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

For the following, please direct status calls to Team 3 at 202–275–5223.

Volume No. OP3–248

Decided: June 1, 1983.

By the Commission, Review Board members Parker, Joyce, and Fortier.

FF–695, filed May 16, 1983. Applicant: ARIES EXPRESS INTERNATIONAL FORWARDERS, INC., 3555 Torrance Blvd. Torrance, CA 90503. Representative: Alan F. Wohlstetter, 1700 K St., N.W., Washington, DC 20006, (202) 833–8884. 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 2934 (Sub-152), filed May 9, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry, (same address as applicant), (317) 875–1142. Transporting *computers and household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Agietron Corporation, of Addison, IL.

MC 99685 (Sub-9), filed February 17, 1983. Applicant: G. I. TRUCKING COMPANY, 14727 Alondra Boulevard, La Mirada, CA 90638. Representative: Fred H. Mackensen, 2029 Century Park East, Suite 4150, Los Angeles, CA 90067, (213) 879–5955. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CA, AZ, WA, OR, ID, MT, WY, NV, UT, CO, NM and TX.

MC 135154 (Sub-13), filed May 16, 1983. Applicant: BADGER LINES, INC., 2640 South 5th St., Milwaukee, WI 53207. Representative: William P. Dineen, 710 North 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 U.S. (except AK and HI).

MC 135154 (Sub-13(a)), filed May 16, 1983. Applicant: BADGER LINES, INC., 2640 South 5th St., Milwaukee, WI 53207. Representative: William P. Dineen, 710 North 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 U.S. (except AK and HI), under continuing contract(s) with National Automotive & Rubber Marketing, Inc., of Huntington Woods, MI.

MC 135365 (Sub-1), filed May 19, 1983. Applicant: ADAMS CARTAGE LIMITED, 3300 Russell, Windsor, Ontario, Canada N9C1E6. Representative: Leonard R. Kofkin, Suite 1515, 140 South Dearborn Street, 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 136774 (Sub-32), filed May 20, 1983. Applicant: MC-MOR-HAN TRUCKING CO., INC., P.O. Box 368, Shullsburg, WI 53586. Representative:

Donald B. Levine, 180 North LaSalle Street, Chicago, IL 60601, (312) 368-0100. 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 CPC International, Inc. of Englewood Cliffs, NJ.

MC 153714 (Sub-4), filed May 19, 1983. Applicant: FREDDY'S TRUCKING, 2200 SE 45th No. 49, Hillsboro, OR 97123. Representative: Wiliam A. Murray (same address as applicant), (503) 640-8303. Transporting *general commodities* (except classes A and B explosives and household goods), between points in Ada County, ID, Salt Lake County, UT and Missoula and Cascade Counties, MT and points in CA, WA, CO and OR, on the one hand, and, on the other, points in CO and OR.

MC 154214 (Sub-1), filed May 20, 1983. Applicant: VO CONCRETE PIPE & PRODUCTS, INC., d.b.a. VO-CON, 2018 Stefko Blvd., Bethlehem, PA 18017. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357-7220. Transporting *food and related products*, between those points in the U.S. in and east of WI, IL, MO, AR, and LA.

MC 159384 (Sub-2), filed May 16, 1983. Applicant: DAVID KURK, INC., P.O. Box 112, Eitzen, MN 55931. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402, (612) 333-1341. Transporting *commodities in bulk*, between points in U.S. (except AK and HI), under continuing contract(s) with the Hubinger Co., of Keokuk, IA.

MC 165345, filed May 16, 1983. Applicant: AURORA SERVICE, INC., 24160 Silver Spray Dr., Diamond Bar, CA 91765. Representative: Dale Wood, (same address as applicant), (714) 594-0260. Transporting *food and related products*, between points in IA, IL, KS, and MO, on the one hand, and, on the other, points in CA, under continuing contract(s) with (1) Dolores Canning Co., of Los Angeles, CA, and (2) Honeyville Grain Co., of City Commerce, CA.

MC 167975, filed May 12, 1983. Applicant: B.J.Y. ENTERPRISES, INC., P.O. Box 865, Owensboro, KY 42302. Representative: Fred F. Bradley, P.O. Box 773 Frankfort, KY 40602, (502) 227-2254. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Daviess, Henderson, Hancock, McLean and Ohio Counties, KY, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167984, filed May 12, 1983. Applicant: McGIFFIN TRUCKING, INC., R.D. #1, Mt. Pleasant, PA 15666. Representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI), under continuing contract(s) with Alverton Fuel, Inc. of Mt. Pleasant, PA.

MC 167994, filed May 12, 1983. Applicant 10 LAKES, INC., P.O. Box 83, Acton, ME 04001. Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, D.C. 20005 (202) 783-3525. Transporting *petroleum products*, between points in NH and ME, under continuing contract(s) with Agway Petroleum Corp., of Syracuse, NY.

MC168064, filed May 16, 1983. Applicant: ROBERT D. McKUNE, d.b.a. BOB McKUNE TRUCKING, 216 Si Town Rd., Castle Rock, WA 98611. Representative Robert D. McKune, (same address as applicant), (206) 274-4074. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in AK, AZ, CA, CO, ID, MT, NM, NV, OR, TX, UT, WA, and WY.

MC 168074, filed May 16, 1983. Applicant: BADER & SONS, INC., 4330 E. Road, Lima, OH 45807. Representative: Stephen L. Oliver, 275 E. State St., Columbus, OH 43215, (614) 228-8575. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in that part of OH on and west of Interstate Hwy 71, on the one hand, and, on the other, those points in that part of the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 168075, filed May 16, 1983. Applicant: WACHTER'S INC., Box 838, Bismarck, ND 58502. Representative Charles E. Johnson, P.O. Box 2056, Bismarck, ND 58502, (701) 223-5300. Transporting *telephone equipment and materials and supplies used in the construction and maintenance of telephone systems*, between points in ND.

MC 168095, filed May 16, 1983. Applicant: RAYMOND P. ADDINGTON, d.b.a. SONNY ADDINGTON TRUCKING, P.O. Box 5234, Polson, MT 59860. Representative William E. Seliski, 2 Commerce St., P.O. Box 8255, Missoula, MT 59807, (406) 543-8369. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in ID, MT, OR, and WA, on the one hand, and, on the other, points in AL, AZ, CA, CO, GA, ID, IL, IN, IA, MI, MN, MS, MT, NE, NY, ND, OH, OR, PA, SD, TX, UT, WA, WI, and WY.

MC 168184, filed May 20, 1983. Applicant: SAMACK, INC., 14750 SW 72nd Ave., Tigard, OR 97223. Representative Hyman Sadoff (same address as applicant), (573) 620-2100. Transporting *general commodities* (except classes A and B explosive households goods, and commodities in bulk), between points in the U.S. (except AK and HI).

Volume No. OP3-251

Decided: June 8, 1983.

By the Commission, Review Board Members Williams, Carleton, and Dowell.

MC 109094 (Sub-20), filed May 20, 1983. Applicant: GAULT TRANSPORTATION, INC., 2381 Cranberry Hwy, West Wareham, MA 02576. Representative: David F. McAllister (same address as applicant), (617) 295-0227. Transporting *general commodities* (except classes A and B explosives and household goods), between those points in the U.S. in and east of MN, IA, MO, AR and TX, under continuing contract(s) with The Standard Oil Co. (Ohio) and its subsidiary BP Oil, Inc., both of Cleveland, OH.

MC 143165 (Sub-10), filed May 20, 1983. Applicant: CHARLES W. McCLELLAND, d.b.a. McCLELLAND LUMBER TRANSPORTS, P.O. Box 73, Cuba, MO 65453. Representative: Charles W. McClelland (same address as applicant), (314) 885-3332. Transporting *metal products*, between points in Franklin County, MO, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148284 (Sub-7), filed May 19, 1983. Applicant: DON YOUNGBLOOD TRUCKING COMPANY, INC., P.O. Box 309, Mulberry, AR 72947. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72702, (501) 521-8121. Transporting *new furniture*, between points in the U.S. (except AK and HI).

MC 148105 (Sub-6), filed May 20, 1983. Applicant: OVERLAND EXPRESS, INC., P.O. Box 12322, Houston, TX 77017. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437-1768. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *plumbing equipment*, (4) *electrical machinery, equipment or supplies*, (5) *clay, concrete, glass or stone products*, and (6) *restaurant equipment and supplies*, between points in the U.S. (except AK and HI).

MC 149295 (Sub-6), filed May 20, 1983. Applicant: H & H HOT SHOT DELIVERY SERVICE, INC., P.O. Box 96503, Houston, TX 77015. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437-1768. Transporting (1) *lumber and wood products*, (2) *building materials*, (3) *plumbing equipment*, (4) *electrical machinery, equipment or supplies*, (5) *clay, concrete, glass or stone products*, and (6) *restraurant equipment and supplies*, between points in the U.S. (except AK and HI).

MC 151444 (Sub-5), filed May 20, 1983. Applicant: RAC TRANSPORT COMPANY, INC., 2794 Winters Ave., Grand Junction, CO 81501. Representative: Lee E. Lucero, 601 E. 18th Ave., #107, Denver, CO 80203, (303) 861-8046. 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 168175, filed May 18, 1983. Applicant: J. H. SCHULER CO., a corporation, d.b.a. BROADWAY TRUCKING CO., 1649 Broadway, Hanover, PA 17331. Representative: Daniel M. Frey 31 York St., Hanover, PA 17331, (717) 637-6239. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between Baltimore, MD and Hanover, PA, under continuing contract(s) with Moller Steamship Company, Inc., of New York, NY.

Volume No. OP3-256

Decided: June 7, 1983.

By the Commission, Review Board Members Fortier, Carleton, and Parker.

MC 30464 (Sub-3), filed May 23, 1983. Applicant: BESTWAY FREIGHT LINES, INC., 30 Wood Rock Rd., Weymouth, MA 02189. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103, (413) 732-1136. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in MA, CT, RT, NH, ME, and VT, and New York, NY.

MC 128544 (Sub-10), filed May 24, 1983. Applicant: IOWA STEEL EXPRESS, INC., 2519 16th Avenue SW, P.O. Box 1926, Cedar Rapids, IA 52406. Representative: Richard D. Smith (same address as applicant), (319) 363-6268. Transporting *metal products*, between points in ND, SD, WI, IN, MI, OH, KS, CO, NE, IA, IL, MO, MN, WY, OK, TX, AR, LA, MS, AL, KY, TN, GA, SC, NC and FL.

MC 135364 (Sub-57), filed May 24, 1983. Applicant: MORWALL TRUCKING, INC., R.D. #3, Box 76-C, Moscow, PA 18444. 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 the U.S. (except AK and HI), under continuing contract(s) with Inner-Harbor Warehousing and Distribution, Inc., of Baltimore, MD.

MC 138184 (Sub-6), filed May 23, 1983. Applicant: WALLACE TRUCKING COMPANY, Route 4, Box A-71, Laurinburg, NC 28352. Representative: F. Kent Burns, P.O. Box 2479, Raleigh, NC 27602, (919) 828-2421. Transporting *containers, container components and ends, and container closures*, between points in the U.S. (except AK and HI).

MC 153634 (Sub-2), filed May 23, 1983. Applicant: LITTLE MONTANA TRANSPORTATION, P.O. Box 3485, 704 E. Front Street, Bozeman, MT 59715. Representative: Rand E. Little (same address as applicant), (406) 586-4503. Transporting *furniture and fixtures*, between points in the U.S. (except AK and HI).

MC 167724, filed May 24, 1983. Applicant: TRINITY TRUCKING, LTD., R. D. #1, Randolph Center, VT 05061. Representative: James M. Burns, 1365 Main St., Suite 403, Springfield, MA 01103, (413) 781-8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in VT, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168114, filed May 23, 1983. Applicant: GROSCH IRRIGATION CO., INC., Box 337, Highway 30 West, Silver Creek, NE 68663. Representative: Lavern R. Holdeman, 1610 South 70th St., Suite 200, Lincoln, NE 68506, (402) 488-0985. Transporting *such commodities* as are dealt in or used by industrial, farm, and agricultural supply business houses, between those points in the U.S. in and south of CA, NV, ID, MT, WY, SD, IA, IL, KY, TN, and NC.

MC 168235, filed May 23, 1983. Applicant: EAGLE CARTAGE, INC., 16W523 Timberlake Dr., Hinsdale, IL 60521. Representative: Irwin Rozner, 134 North Lasalle St., Chicago, IL 60602, (312) 782-6937. Transporting *animal hides and skins*, between points in IL, on the one hand, and, on the other, points in IN, MI, WI, IA, NV, MO, and MN.

MC 168254, filed May 23, 1983. Applicant: J. A. MARTIN, JR. TRUCKING, INC., Rt. 2, Box 9, Axton, VA 24054. Representative: Terrell C. Clark, P. O. Box 25, Stanleytown, VA 24168, (703) 629-2818. Transporting *furniture and fixtures*, between points in VA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

[FR Doc. 83-16154 Filed 6-15-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30181]

Rail Carriers; Seaboard System Railroad, Inc—Abandonment Exemption—in Jefferson and Walker Counties, AL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts the abandonment by the Seaboard System Railroad, Inc. of 15.15 miles of railroad in Jefferson and Walker Counties, AL, subject to conditions for protection of employees.

DATES: The exemption is effective on July 18, 1983. Petitions for reconsideration must be filed by July 6, 1983; petitions for stay must be filed by June 27, 1983.

ADDRESSES: Send pleadings referring to Finance Docket No. 30181 to:

(1) Rail Section, Room 5349, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioners' representative: Emried D. Cole, Jr., 500 Water Street, Jacksonville, FL 32202

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 289-4357 (D.C. Metropolitan area) or toll free (800) 424-5403.

Decided: June 8, 1983.

By the Commission, Chairman Taylor, Vice Chairman Sterrett, Commissioners Andre and Gradison. Vice Chairman Sterrett and Commissioner Andre would not impose a deadline for consummation of the transaction.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-16151 Filed 6-15-83; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Proposed Consent Decree Under the Toxic Substances Control Act To Require Defendants To Remove PCB-Contaminated Oil, Sludge, Water and Soil From the Technical Services Company, Inc. Facility, Atkinson, Henry County, Illinois

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Aluminum Company of America and Technical Services Company, Inc.*, Civil No. 83-1137, was lodged with the United States District Court for the Central District of Illinois, Peoria Division on June 1, 1983.

The complaint filed with the consent decree alleges that Aluminum Company of America (Alcoa) and Technical Services Company (Tech Services) transported PCB-contaminated waste oil to Tech Services' Atkinson, Illinois facility in violation of Section 6(e)(2) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2605(e)(2) and 40 CFR 761.30. The waste oil was disposed of into a surface lagoon at the Atkinson facility in violation of Section 15 of TSCA, 15 U.S.C. 2614. The consent decree requires Aloca to remove and lawfully dispose of the waste oil, as well as water and PCB-contaminated soil from the lagoon.

The proposed consent decree may be examined at the Office of the United States Attorney, Room 271, 100 NE. Monroe Street, Peoria, Illinois; at the Region V office of the United States Enviromental Protection Agency, 230 South Dearborn Street, Chicago, Illinois; and at the Office of the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1521, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. Please forward a check in the amount of $1.20 ($.10 per page) for each copy requested.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty days from the date of this notice. Comments should be directed to the Assistant Attorney General for the Land and Natural Resources Division of the Department of Justice, Tenth and Pennsylvania Avenue, NW., Washington, D.C. 20530 and should refer to the *United States of America* v. *The Aluminum Company of America and Technical Services Company, Inc.*, D.J. Ref. 90-5-1-1-1570.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-16156 Filed 6-15-83; 8:45 am]

BILLING CODE 4410-01-M

Office of Juvenile Justice and Delinquency Prevention

Coordinating Council on Juvenile Justice and Delinquency Prevention; Meeting

Notice is hereby given that the Coordinating Council on Juvenile Justice and Delinquency Prevention will meet on Thursday, June 30, 1983 at the Department of Justice, 10th Street and Constitution Avenue, N.W., Andretta Room, Room 1101, Washington, D.C. 20530. This meeting will be open to the public and will begin at 9:30 a.m.

The meeting will be concerned with issues related to the Coordinating Council Program Plan.

For further information, contact Mr. William Modzeleski, Office of Juvenile Justice and Delinquency Prevention, Department of Justice, 633 Indiana Avenue, N.W., Room 1102, Washington, D.C. 20531, Telephone: (202) 724-7655.

Alfred S. Regnery,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 83-16201 Filed 6-15-83; 8:45 am]

BILLING CODE 4410-18-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 83-59]

NASA Advisory Council (NAC); Meeting Cancellation

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting cancellation.

SUMMARY: The scheduled meeting on June 20-21, 1983, of the NAC Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft, published in the **Federal Register** on May 27, 1983 (48 FR 23941), has been cancelled.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Winblade, National Aeronautics and Space Administration, Code RJT-2, Washington, DC 20546 (202/755-3000).

Dated: June 10, 1983.

Richard L. Daniels,

Director, Management Support Office, Office of Management.

[FR Doc. 83-16126 Filed 6-15-83; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals; Meeting

Notice is hereby given in accordance with Section 10 of the Federal Advisory Committee Act that NRC's Ad Hoc Committee for Review of Nuclear Reactor Licensing Reform Proposals will hold its next meeting at 10:00 a.m., July 6, 1983. This meeting will take place at the office of Shaw, Pittman, Potts and Trowbridge, South Building, 9th Floor Lobby, 1800 M Street, NW., Washington, D.C. and will be open for public observation.

At this meeting, the committee will continue its review of administrative proposals for reforming the NRC's licensing process for nuclear plants. A transcript of the meeting will be made available for public inspection and copying at NRC's Public Document Room, 1717 H Street, NW., Washington, D.C.

Further information on the meeting may be obtained from Mr. Rothschild, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (Telephone: 202/634-1465).

Dated at Washington, D.C. this 10th day of June, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-16228 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

Availability; Draft Technical Position

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission (NRC) has completed a draft technical position on the "Solubility and Speciation of Radionuclide Compounds for High Level Waste Repository Safety Assessments."

A public comment period has been scheduled for 60 days following publication of this Notice of Availability.

ADDRESS: Copies of this draft document may be obtained free of charge upon written request to Nancy Still, Docket Control Center, Division of Waste

Management, U.S. Nuclear Regulatory Commission, Mail Stop 623-SS, Washington, D.C. 20555, (301) 427-4087.

FOR FURTHER INFORMATION CONTACT: Julia A. Corrado, Project Manager, High Level Waste Technical Development Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone No. (301) 427-4543.

SUPPLEMENTARY INFORMATION: This technical position is one in a series of technical positions prepared by the NRC staff establishing what must be achieved by DOE in investigation programs at potential repository sites. (Subsequent technical positions also will be noticed in the **Federal Register**). The purpose of this technical position is to provide guidance on methods for obtaining acceptable data on radionuclide solubility. The NRC staff considers that determining the solubility of radionuclides which are contained in waste disposed of in a high level waste repository will be essential to predicting long term repository performance.

The principal mechanism for providing guidance to the DOE is completion by the NRC staff of Site Characterization Analyses which document critical reviews on DOE Site Characterization Plans submitted according to the Nuclear Waste Policy Act of 1982 (H.R. 3809-2). The NRC staff already has dealt with major issues of isolation in a comprehensive fashion in NUREG-0960, the Draft Site Characterization Analysis of the Site Characterization Report for the Basalt Waste Isolation Project. In NUREG-0960, the NRC staff addresses the full gamut of issues that will present themselves in evaluating performance of the repository system, including both natural and engineered barriers.

On selected key issues important to repository performance, the staff will be addressing generic concerns in technical positions which are developed through a process that allows for public comment. The intent of the staff is to assure that guidance is provided to DOE at an early time and thus assure that the DOE gathers needed data in site characterization programs.

Dated at Silver Spring, Maryland, this 25th day of May 1983.

For the Nuclear Regulatory Commission.

Hubert J. Miller,

Chief, High-Level Waste Technical Development Branch, Division of Waste Management.

[FR Doc. 83-16227 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, MS 203-4 (which should be mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 1.82, "Sumps for Emergency Core Cooling and Containment Spray Systems." It is one of the documents developed to serve as the staff's resolution of Unresolved Safety Issue A-43, "Containment Emergency Sump Performance," when they are issued in final form. The other documents are NUGED-0897, "Containment Emergency Sumps Performance," proposed Revision 4 to Standard Review Plan Section 6.2.2, "Containment Heat Removal Systems," and NUREG-0869, "USI A-43 Resolution Positions." The issuance of these documents for public comment was announced in the **Federal Register** on May 9, 1983 (48 FR 20829).

This draft guide is being issued to involve the public in the early stages of the development of a regulatory position in this area. It has not received complete staff review and does not represent an official NRC staff position.

Public comments are being solicited on the proposed revision, including its implementation schedule. Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by July 11, 1983.

Although a time limit is given for comments on these draft guides, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 8th day of June 1983.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Technology, Office of Nuclear Regulatory Research.

[FR Doc. 83-16224 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-317]

Baltimore Gas and Electric Co.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Prior Hearing

The United States Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-53 issued to Baltimore Gas and Electric Company (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 1 located in Calvert County, Maryland.

The amendment would revise the Limiting Conditions for Operation and Surveillance Requirements for containment tendons as contained in the Appendix A Technical Specifications for Calvert Cliffs Unit No. 1 in accordance with the licensee's application dated March 7, 1983. The proposed changes in the Technical Specification include a provision to allow normalization of tendon lift-off forces in determining continued containment tendon integrity. In addition, a 90 day period would now be permitted to investigate evidence of possible adnormal degradation of the tendon system.

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 18, 1983 the licensee or a petitioner may file a request for a hearing with respect to issuance of the amendment to the subject facility

operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2.

If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chariman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effects of any order which may be entered in the proceding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

No later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be givern Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: (petitioner's name and telephone number), (date petition was mailed); (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to James A. Biddison, Jr., General Counsel, G and E Building, Charles Center, Baltimore, Maryland 21203, attorney for the licensee.

Nontimely fillings of petitions for leave to intervene, amemded petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request. That determinatin will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and § 2.714(d).

For further details with respect to this action, see the application for amendment dated March 7, 1983, which is available for public inspection at the Commission's Public Document Room 1717 H Street, N.W. Washington, AD.C., and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland this 7th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3 Division of Licensing.

[FR Doc 83-16218 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[ASLBP Nos. 78-389-03 OL, 80-429-02 SP; Docket Nos. 50-329 OL, 50-330 OL; and Docket Nos. 50-329 OM, 50-330 OM]

Consumers Power Co. (Midland Plant, Units 1 and 2); Continuation of Evidentiary Hearings

June 9, 1983.

Notice is hereby given that further evidentiary hearings on QA/QC issues in this consolidated OM/OL proceeding have been scheduled for June 27-July 1, 1983 and (to the extent necessary) for July 25-29, 1983. Hearings will begin at 9 a.m. each day and will be held at the Quality Inn, 1815 S. Saginaw Road, Midland, Michigan.

Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 83-16223 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co., Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License No. NPF-9 and Facility Operating License No. NPF-17, issued to Duke Power Company (the licensee), for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The amendments would revise the setpoint and its tolerance for the Upper Head Injection (UHI) accumulator automatic isolation, in accordance with the licensee's application for amendments dated April 18, 1983.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendments request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facilities in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3)

involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these Standards by providing certain examples (48 FR 14870). One of these examples of actions likely to involve no significant hazards consideration relates to an amendment which either may result in some increase to the probability or consequences of a previously-analyzed accident or may reduce in some way a safety margin, but where the results of the change are clearly within all acceptable criteria with respect to the system or component specified in the Standard Review Plan. The Commission proposes to determine that the amendment does not involve a significant hazards consideration since the change does not adversely affect the most limiting large break LOCA event for the McGuire facility and will not cause the limits of 10 CFR 50.46 (Acceptance Criteria For Emergency Core Cooling Systems for Light Water Nuclear Power Plants) to be exceeded.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a finally determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 18, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commssion will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazard consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W. Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Elinor G. Adensam: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this FEDERAL REGISTER notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 2055, and to Mr. Albert Carr, Duke Power Company, P.O. Box 33189,442 South Church Street, Charlotte, North Carolina 28242, attorney for the license.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors

specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d)

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Atkins Library, University of North Carolina, Charlottee (UNCC Station), North Carolina 28242.

Dated at Bethesda, Maryland, this 9th day of June, 1983.

For the Nuclear Regulatory Commission.

Kahtan N. Jabbour,

Acting Chief, Licensing Branch No. 4, Division of Licensing.

[FR Doc. 83-16219 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

Florida Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

[Docket No. 50-335]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-67, issued to Florida Power and Light Company (the licensee), for operation of the St. Lucie Plant, Unit No. 1 located in St. Lucie County, Florida.

The amendment would permit operation after approval of changes to the Radiological Effluent Technical Specifications that bring them into compliance with Appendix I of 10 CFR Part 50. The amendment specifically deals with such changes as indicating shared instrumentation with St. Lucie Plant, Unit No. 2. It provides new Technical Specification sections defining limiting conditions for operation and surveillance requirements for radioactive liquid and gaseous effluent monitoring; concentration, dose and treatment of liquid, gaseous and solid wastes; total dose; radiological environmental monitoring that consists of a monitoring program, land use census, and interlaboratory comparison program. This change also incorporates into the Technical Specifications the bases that support the operation and surveillance requirements. In addtion, some changes were made in administrative controls, specifically dealing with the process control program and the offsite dose calculation manual. The amendment makes the United 1 Technical Specifications as similar as possible to those already approved by the Commission for St. Lucie Plant, Unit No. 2. The amendment is in accordance with the licensee's application for amendment dated March 29, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibity of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples (ii) of actions not likely to involve a significant hazards considerations relates to changes that constitute additional restrictions or controls not presently included in the technical specifications.

The Commission, in a revision to Appedix I, 10 CFR Part 50 required licensees to improve and modify their radiological effluent systems in a manner that would keep releases of radioactive material to unrestricted areas during normal operation as low as is reasonably achievable. In complying with this requirement it became necessary to add additional restrictions and controls to the Technical Specifications to assure compliance. This caused the addition of Technical Specifications described above. In addition, since St. Lucie Plant, Unit 1, an existing operating reactor, and Unit 2, a newly licensed reactor, are colocated, it is desirable to have their Technical Specifications as nearly alike as possible for ease of application and interpretation. The staff proposes to determine that the application does not involve a singnificant hazards consideration since the change costitutes additional restrictions and controls that are not currently included in the Technical Specifications in order to meet the Commission mandated release of "as low as is reasonably achievable", and to make the technical specifications, as nearly as practicable, like those previously approved for St. Lucie Plant, Unit No. 2.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 18, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the

Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final detemination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitoner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold R. Reis, Esquire, Lowestein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a substantial showing of good cause for the granting of a late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 10th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-16220 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power and Light Co.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-67, issued to Florida Power and Light Company (the licensee), for operation of the St. Lucie Plant, unit No. 1 located in St. Lucie County, Florida.

The amendment would permit operation after approval of changes to the Technical Specifications resulting from the installation of the overpressure mitigation system at St. Lucie Plant, Unit No. 1. The changes will incorporate limits and surveillance requirements associated with the overpressure mitigation system by the addition of new specifications that define the low temperature reactor coolant system overpressure protection range, incorporates a limit on the maximum primary-to-secondary differential temperature that is permitted prior to starting a reactor coolant pump and incorporates new requirements on the operability of power operated relief valves. The amendment also adds a note to limit the establishment of a high pressure safety injection pump flow path under certain conditions and revises requirements on the positioning of certain safety injection valves. These changes are in accordance with the licensee's application for amendment dated April 13, 1978.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the

examples of actions involving no significant hazards considerations (ii) relates to changes that constitute additional restrictions or controls not presently included in the Technical Specifications. These changes are the direct result of compliance with requirements that resulted from Commission directed evaluations dealing with pressure transients at relatively low temperatures to obtain added assurance that the plant can be operated without violating operating curve limitations. As such, the changes enhance the ability of the licensee to monitor and control plant conditions under these operating circumstances. The staff proposes to determine that the application does not involve a significant hazard since the new specifications limits on the high pressure safety injection pump flow path under certain conditions, and the revision of the requirements on positioning of certain safety valves will provide the added assurance that the licensee will be able to operate St. Lucie Plant, Unit No. 1 without violating operating curve limitations.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Branch.

By July 18, 1983, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert A. Clark: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to Harold R. Reis, Esquire, Lowestein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washinton, D. C. 20036, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer of the Atomic Safety and Licensing Board designated to rule on the petition and/or request, that the petitioner has made a

substantial showing of good cause for the granting of a late petition and/or request. That determiantion will be based upon a balancing to the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Indian River Junior College Library, 3209 Virginia Avenue, Forth Pierce, Florida 33450.

Dated at Bethesda, Maryland, this 10th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3 Division of Licensing.

[FR Doc. 83-16221 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-344]

Portland General Electric Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-1 issued to Portland General Electric Company, Pacific Power and Light Company, and the City of Eugene, Oregon (the licensee) for operation of the Trojan Nuclear Plant located in Columbia County, Oregon.

The amendment would revise the method for conducting the flow balance test for the four emergency core cooling injection lines from the centrifugal charging pumps and safety injection pumps. At present, each cold-leg injection line from these pumps must have a designated minimum and maximum flow. Under the licensee's proposal, the *sum* of the injection line flow rates, excluding the highest flow rate, must have a designated minimum value, and the total flow must be less than a specified maximum (pump runout limit).

The amendment would also revise the minimum injection flow from a single charging pump from 345 gpm (for 3 injection lines) to 339 gpm, consistent with a revised analysis, and delete the flow balancing requirement for the hot-leg injection lines for the safety injection system. These revisions to the technical specifications would be made in response to the licensee's application for amendment dated June 3, 1983.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The revised method for flow balancing represents an improvement in the surveillance method. It ensures that minimum injection line flow is maintained while at the same time allowing for differences in total flow between individual pumps.

The minimum injection flow change from 345 gpm to 339 gpm is not a significant change. It results in a calculated peak clad temperature for a loss-of-coolant accident of less than 1°F. Thus, the peak clad temperature, under the change, would be 1971°F, well below the acceptance criterion of 2200°F.

Deleting the flow balancing test for hot leg injection is not a significant change since flow balance is not required to satisfy the current safety analysis. Hot leg injection is used during the recirculation phase of a loss-of-coolant accident. Under this condition, the core is covered with water and all hot-leg injection water flows to the top of the core. Therefore, a specific flow balance between injection lines is not important. Therefore, based on these considerations and the three criteria given above, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that failure to act in a timely way would result in extending the shutdown of the facility. Therefore, the Commission has insufficient time to issue its usual 30-day notice of the proposed action for public comment.

If the proposed determination becomes final, an opportunity for a hearing will be published in the **Federal Register** at a later date and any hearing request will not delay the effective date of the amendment.

If the Commission decides in its final determination that the amendment does involve a significant hazards consideration, a notice of opportunity for a prior hearing will be published in the **Federal Register** and, if a hearing is granted, it will be held before any amendment is issued.

The Commission is seeking public comments on this proposed determination of no significant hazards consideration. Comments on the proposed determination may be telephoned to Robert A. Clark, Chief of Operating Reactors Branch No. 3, by collect call to 301-492-4559 or submitted in writing ot the Secretary to the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attn: Docketing and Service Branch. All comments received by July 6, 1983 will be considered in reaching a final determination. A copy of the application may be examined at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Dated at Bethesda, Maryland, this 10th day of June, 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 83-16222 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-508 and ASLBP No. 83-486-01-OL]

Washington Public Power Supply System, et al. (WPPSS, Nuclear Project No. 3); Order

June 10, 1983.

Rescheduling Special Prehearing Conference

It appearing, that a special prehearing conference was to be held in the captioned proceeding at 9:30 a.m. local time, on August 3 and 4, 1983, in the Commissioners' Conference Room, New County Courthouse, 100 West Broadway, Montesano, Washington; and

It further appearing, that on June 1, 1983, Washington Public Power Supply System, Nuclear Regulatory Commission Staff and Coalition for Safe Power have requested the rescheduling of the special prehearing conference to August 17 and 18, 1983 because of scheduling conflicts that have arisen.

It is hereby ordered, that the special prehearing conference scheduled for August 3 and 4, 1983 be rescheduled to August 17 and 18, 1983, at the same time of day and place as originally set.

Dated at Bethesda, Maryland this 10th day of June 1983.

For the Atomic Safety and Licensing Board.

Morton B. Margulies,

Chairman, Administrative Law Judge.

[FR Doc. 83-16225 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Committee Activities; Location Change

The ACRS Subcommittee Meeting on Committee Activities scheduled for Wednesday, June 22, 1983, 8:30 a.m. until the conclusion of business at Scripps Institution of Oceanography, La Jolla, CA has been relocated to the *Double Tree Inn at Scottsdale Mall, Bonsai Room, 7353 East Indian School Road, Scottsdale, AZ.*

All other items regarding this meeting remain the same as announced in the Federal Register published Monday, June 6, 1983 (48 FR 25291).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Marvin C. Gaske (telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 13, 1983.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 83-16217 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Human Factors; Meeting

The ACRS Subcommittee on Human Factors will hold a meeting on June 30, 1983, Room 1046, 1717 H Street, NW, Washington, DC.

In accordance with the procedures outlined in the Federal Register on October 1, 1982 (47 FR 43474), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows: *Thursday, June 30, 1983—8:30 a.m. until the conclusion of business.* The Subcommittee will meet to review draft versions of proposed rules and regulatory guides related to Pub. L. 97-425 Section 306, "Nuclear Regulatory Commission Training Authorization".

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information about topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, David Fischer (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EDT.

Dated June 13, 1983.

Samuel J. Chilk,

Acting Advisory Committee Management Officer.

[FR Doc. 83-16218 Filed 6-15-83; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Hazardous Materials Safety at Railroad Yards; Public Hearing

AGENCY: National Transportation Safety Board.

ACTION: Notice of public hearing.

SUMMARY: The Independent Safety Board Act of 1974 (49 U.S.C. 1901, et seq.) authorized the National Transportation Safety Board (Board) to conduct open public inquiries into matters pertinent to transportation safety. The Board, as part of a project to evaluate the need for improved hazardous materials safety and emergency preparedness for railroad yards, will hold a public hearing to inquire into hazardous materials safety at railroad yards. This document sets forth areas of interest the Board would like to have addressed in written and oral submissions.

DATES: The Public hearing will be held July 26 and 27, 1983, at 9:00 a.m.; written statements should be submitted on or about July 11, 1983.

ADDRESS: Hearing Location: Crystal City Marriott Hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22202.

Forward written statements to Chief, Hazardous Materials and Pipeline Division (AI-70), Bureau of Accident Investigation, National Transportation Safety Board, Washington, D.C. 20594.

FOR FURTHER INFORMATION CONTACT: Mr. Charles H. Batten, Chief, Hazardous Materials and Pipeline Accident Division (AI-70), Washington, D.C. 20594 (phone: 202-382-0670), or Mr. Bill Gossard, Program Analyst, Office of Safety Studies and Analysis (SP-10), Washington, D.C. 20594 (phone: 202-382-6566).

SUPPLEMENTARY INFORMATION: Under Section 304(a)(7) of the Transportation Safety Act (the Act) of 1974 (Pub. L. 93-633), the Congress specifically authorized the National Transportation Safety Board to ". . . evaluate, assess the effectiveness, and publish the findings of the Board with respect to the transportation safety consciousness and efficacy in preventing accidents of other Government agencies." The Board will hold a public hearing to gather information on specific problems and the need for improved hazardous materials safety and emergency preparedness for railroad yards, including but not limited to such issue areas as coordination among the various organizations involved in, or directly affected by hazardous materials emergencies in railroad yards; training and emergency preparedness; oversight of hazardous materials safety for railroad yards; and related tank car safety ad hazardous materials classification improvements.

The hearing will be held in the Crystal City Marriott hotel, 1999 Jefferson Davis Highway, Arlington, Virginia 22202 on July 26 and 27, 1983, commencing at 9:00 a.m., on each date. The format will involve oral/and written presentations by invited participants. interested persons are invited to submit written comments.

Four copies of the statement must be filed with the Chief, Hazardous Materials and Pipeline Division (AI-70), Bureau of Accident Investigation by July 11, 1983, copies of all written submissions will be available for public inspection and copying upon request in

accordance with the Safety Board's rule regarding availability of information.

Jim Burnett,

Chairman.

June 9, 1983.

[FR Doc. 83-16182 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-58-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-83148]

Diversified Tech, Inc.; Order of Suspension of Trading

June 10, 1983.

In the Matter of Trading in the Securities of; Diversified Tech, Inc.; File No. 2-83148; Securities Exchange Act of 1934 Section 12(k).

It appearing to the Securities and Exchange Commission that because there is an apparent lack of adequate and accurate information concerning the company's business and finances, the protection of investors requires a summary suspension of trading in the securities of Diversified Tech, Inc.

Further, while the company has requested this ten day suspension of trading of its securities in order to enable the company to disseminate a release to its stockholders and others, the Commission has not passed upon the accuracy or adequacy of such release.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities is suspended for the period from 5:00 p.m. E.D.T. on June 10, 1983, through midnight June 19, 1983.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16157 Filed 6-15-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 10/10-0166]

Seafirst Capital Corp.; Filing of Application for Transfer of Ownership and Control

Notice is hereby given that an application has been filed with the Small Business Administration (SBA), pursuant to § 107.701 of the Regulations governing small business investment companies (13 CFR 107.701 (1983)) for transfer of ownership and control of Seafirst Capital Corporation, Fourth and Blanchard Building, Seattle, Washington, 19121, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), of 1958, as amended (Act), (15 U.S.C. 661, *et. seq.*). The proposed transfer of ownership and control of Seafirst Capital Corporation, which was licensed on June 18, 1980, is subject to prior written approval of SBA.

Seafirst Capital Corporation is a wholly-owned subsidiary of Seafirst Mortgage Corporation. Seafirst Mortgage Corporation is a wholly-owned subsidiary of a Seattle-First National Bank, which is a wholly-owned subsidiary of Seafirst Corporation, a bank holding company. The Board of Directors of Seafirst Corporation has recommended to the company's shareholders that Seafirst Corporation be merged with a subsidiary of Bank America Corporation, a bank holding company, 555 California Street, San Francisco, California 94109. While no direct change in the ownership of Seafirst Capital Corporation will occur, a change in control will occur because Bank America Corporation will have full control of Seafirst Corporation. No substantial changes in location, management, or the operations of Seafirst Capital Corporation are planned at this time by Bank America Corporation. No single stockholder of Bank America Corporation owns more than ten percent of its common stock.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners and management, and the probability of the proposed new owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is given that any person may, no later than ten (10) days from the date of publication of this Notice, submit written comments on the proposed transfer of ownership and control to the Associate Administrator for Finance & Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Seattle, Washington, and San Francisco, California.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 10, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-16230 Filed 6-15-83; 8:45 am]

BILLING CODE 8025-01-M

Region IX—Advisory Council Meeting; Public Meeting

The Small Business Administration Region IX Advisory Council, located in the geographical area of Phoenix, Arizona, will hold a public meeting at 10:30 A.M., Thursday, July 7, 1983, at the Doubletree Inn, 3rd Avenue and Osborn, Phoenix, Arizona, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Walter Fronstin, District Director, U.S. Small Business Administration, 3030 North Central Avenue, Suite 1201, Phoenix, Arizona 85012, (602) 241-2206.

Jean M. Nowak,

Director, Office of Advisory Councils.

June 10, 1983.

[FR Doc. 83-16229 Filed 6-15-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Orange County, California

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 Orange County, California.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans) will prepare an Environmental Impact Statement (EIS) on a proposal to upgrade a section of conventional highway (State Route 133) from the San Diego Freeway (State Route 405) to Canyon Acres Drive in the City of Laguna Beach. The proposed upgrading is required in order to relieve congestion and to improve both the safety and the operational characteristics of the route. Alternatives considered for the project are:

A. *Transportation System Management.* This alternative may include improvements such as passing lanes.

B. *Highway Capacity Improvements.* This alternative may include: Widen the

highway, Realign the highway, Construct freeway.

C. *Transit.* This may include construction of transit lanes.

D. *No Project.* This alternative includes maintenance and operation of the existing facility essentially "as is", with such minor safety improvements as may be warranted from time to time.

Scoping meetings are tentatively scheduled for late June, 1983. Once dates are established, appropriate notification will be given so to encourage affected parties to identify crucial issues and insure that matters of importance are not overlooked in the early stages of review.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: June 9, 1983.

Albert J. Gallardo,

District Engineer, Sacramento, California.

[FR Doc. 83-16184 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-22-M

National Highway Traffic Safety Administration

Rulemaking, Research and Enforcement Programs; Public Meetings

The National Highway Traffic Safety Administration (NHTSA) will hold a meeting on July 21, 1983, to answer questions from the public and industry regarding the Agency's rulemaking, research and enforcement programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m. if necessary. It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the July meeting, representatives of DOT will answer questions received from the industry and the public relating to NHTSA's rulemaking, research and enforcement programs (including defects). The purpose of this is to focus on those phases of these NHTSA activities which are technical, interpretative or procedural in nature. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the July meeting should be submitted in writing by June 30 to Kennerly H. Digges, Acting Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, S.W., Washington, D.C. 20590. If sufficient time is available, questions received after the June 30 date may be answered at the meeting. The individual group, or company submitting a question does not have to be present for the question to be answered.

A consolidated list of the questions submitted by June 30 and the issues to be discussed will be mailed to interested persons on or before July 18, 1983, and will be available at the meeting. This list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington D.C., within four weeks after the meeting. Copies of the transcript will then be available at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590.

Issued in Washington, D.C. on June 13, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-16206 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

Automotive Fuel Economy Program; Report to Congress

The attached document, *Automotive Fuel Economy Program, Seventh Annual Report to the Congress,* has been prepared pursuant to Section 502(a)(2) of the Motor Vehicle Information and Cost Savings Act (Pub. L. 92-513), as amended by the Energy Policy and Conservation Act (Pub. L. 94-163), which requires in pertinent part that "each year beginning in 1977, the Secretary shall transmit to each House of Congress, and publish in the **Federal Register**, a review of average fuel economy standards under this part."

Diane K. Steed,

Acting Administrator.

Automotive Fuel Economy Program

Seventh Annual Report to the Congress—January 1983

Table of Contents

Section I: Introduction

This Seventh Annual Report to the Congress (1983) summarizes the activities of the National Highway Traffic Safety Administration (NHTSA) during Fiscal Year (FY) 1982 regarding the implementation of applicable sections of Title V: "Improving Automobile Fuel Efficiency," of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*), as amended (the Act). Section 502(a)(2) of the Act requires submission of a report by January 15th of each year. Included in this report are sections summarizing:

(1) Rulemaking activities during Fiscal Year 1982; (2) Recommendations submitted to Congress concerning proposed amendments to the Act; and (3) A discussion of the use of advanced automotive technology by the industry as required by Section 305, Title III of the Department of Energy Act of 1978 (Pub. L. 95-238).

Title V of the Act requires the Secretary of Transportation to administer a program for regulating the fuel economy of new passenger cars and light trucks in the United States' (U.S.) market. On June 22, 1976, the authority to administer the program was delegated by the Secretary to the Administrator of NHTSA (41 **Federal Register** (FR) 25015).

The National Highway Traffic Safety Administration's responsibilities in the fuel economy area include: (1) Establishing average fuel economy standards for manufacturers of passenger automobiles and light trucks as necessary; (2) promulating regulations concerning procedures, definition, and reports necessary to support the fuel economy standards; (3) considering petitions for exemption from established fuel economy standards by low volume manufacturers (those producing less than 10,000 passengers cars annually worldwide) and establishing alternative standards for them; (4) preparing reports to Congress annually on the progress of the fuel economy program; (5) enforcing the fuel economy standards and regulations; and (6) responding to petitions concerning domestic production by foreign manufacturers and other matters.

To date, passenger car fuel economy standards have been established by the

Congress for model years (MY's) 1978 through 1980 and for 1985 and thereafter and by the Department of Transportation for the 1981 through 1984 model years. Standards for light trucks have been established by the Department of Transportation for MY's 1979 through 1985. The standards are listed in Table I-1.

TABLE I-1.—FUEL ECONOMY STANDARDS FOR PASSENGER CARS AND LIGHT TRUCKS FOR THE 1978 THROUGH 1985 MODEL YEARS (IN MPG)

Model year	Passenger cars	Light trucks [1]		
		Two-wheel drive	4-wheel drive	Composite [2]
1978	[3] 18.0	(7)	(7)	(7)
1979 [4]	[3] 19.0	17.2	15.8	17.2
1980 [5]	[3] 20.0	16.0	14.0	
1981 [6]	22.0	16.7	15.0	
1982	24.0	18.0	16.0	17.5
1983	26.0	19.5	17.5	19.0
1984	27.0	20.3	18.5	20.0
1985	[3] [6] 27.5	21.6	19.0	21.0

[1] Standards for 1979 model year light trucks were established for vehicles with a gross vehicle weight rating (GVWR) of 6,000 lbs. or less. Standards for MY's 1980 through 1985 are for light trucks with a GVWR of up to 8,500 lbs.
[2] For model years 1982–1985 manufacturers may comply with the two-wheel and four-wheel drive standards or may combine their two-wheel and four-wheel drive light trucks and comply with the combined standard.
[3] Established by Congress in the Energy Policy and Conservation Act of 1975.
[4] For MY 1979, light truck manufacturers may comply separately with standards for four-wheel drive, general utility vehicles and all other light trucks, or combine their trucks into a single fleet and comply with the 17.2 mpg standard.
[5] Light trucks manufactured by a manufacturer whose fleet is powered exclusively by basic engines which are not also used in passenger automobiles, must meet standards of 14 mpg and 14.5 mpg in model years 1980 and 1981, respectively.
[6] For MY 1985 and thereafter.
[7] Not established.

Section II: Fuel Economy Improvement by Manufacturers

During MY 1982, domestic passenger automobile and light truck manufacturers continued to increase the average fuel economy of their fleets. The fuel economy achievements of both domestic and foreign manufacturers in MY 1981 have been updated since their publication in the *Sixth Annual Report to the Congress*, and together with current data for MY 1982, are listed in Tables II-1 and II-2. The total fleet average fuel economy exceeded the passenger car standard by more than 3 mpg in MY 1981 nd by more than 2 mpg in MY 1982. Similarly, total fleet average fuel economy values of light trucks have exceeded standards in MY's 1981 and 1982. By 1995 the projected cumulative fuel savings if all new cars and light trucks were to just meet the Federal fuel economy requirements through 1985 would amount to approximately 400 billion gallons, compared to consumption projected at 1976 vehicle fuel economy levels.

TABLE II-1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR [1]

Manufacturer	Model Year—CAFE [2] (MPG)	
	1981	1982
Domestic:		
AM	22.5	24.0
Chrysler	26.4	27.0
Ford	23.3	24.5
GM	23.2	24.3
Sales weighted average	23.5	24.6
Imported:		
Alfa Romeo	22.5	24.2
BMW	26.6	26.4
Chrysler	32.0	34.2
Datsun	30.5	30.8
Fiat	27.5	26.6
Ford	34.3	34.6
Honda	30.8	33.4
Isuzu	34.7	35.8
Jaguar Rover Triumph (JRT) [3]	18.4	18.8
Mazda	31.1	29.6

TABLE II-1.—PASSENGER CAR FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR [1]—Continued

Manufacturer	Model Year—CAFE [2] (MPG)	
	1981	1982
Mercedes-Benz	25.1	26.1
Peugeot	27.9	27.1
Renault	29.4	32.2
Saab	23.4	24.1
Subaru	30.4	32.3
Toyota	30.9	30.4
Volvo	22.3	25.0
VW [4]	33.5	32.4
Sales weighted average	30.4	30.7
Total fleet average	25.1	26.2
Fuel economy standards	22.0	24.0

[1] Manufacturers of less than 10,000 passenger cars annually are not listed.
[2] Corporate Average Fuel Economy.
[3] JRT earned sufficient credits in MY's 1978 and 1979 to offset MY's 1981 and 1982 penalties.
[4] Includes VW domestic production as well as Audi and Porsche.

TABLE II-2.—LIGHT TRUCK FUEL ECONOMY PERFORMANCE BY MANUFACTURER AND MODEL YEAR

Manufacturer	Model year CAFE (MPG)				
	Two-wheel drive		Four-wheel drive		Combined [1] 1982
	1981	1982	1981	1982	
Domestic:					
AM		23.7	19.1	19.7	
Chrysler	18.2		15.2		19.0
Ford	18.5		15.7		17.5
GM	18.9	21.1	16.8	19.0	
Sales weighted average	18.7	21.1	17.1	19.3	17.9
Imported:					
Chrysler	24.6				26.3
Datsun	30.0	29.2	23.2	24.1	
Ford	26.2	27.7			
GM	30.0	36.1	26.1	31.0	
Isuzu	32.9	34.4	28.2	29.3	
Mazda	30.9	31.6			
Suzuki			25.2	25.0	
Toyota	27.6	27.1	23.9	22.6	
VW	31.0	32.7			
Sales weighted average	28.3	29.1	24.2	23.6	26.3
Total fleet average	20.6	23.1	18.5	20.8	18.5
Fuel economy standards	16.7	18.0	15.0	16.0	17.5

[1] In MY 1982, manufacturers could comply with the two-wheel and four-wheel drive standards or could combine their two-wheel and four-wheel drive light trucks and comply with the combined standard.

Section III: Rulemaking Activities

A. MY 1982 Light Truck Standards

On March 31, 1980, separate standards were established for manufacturers of MY 1982 two-wheel drive (18.0 mpg) and four-wheel drive (16.0 mpg) light trucks. When standards were later established for the 1983–85 model years, NHTSA not only set separate two-and four-wheel drive standards, but also set an optional combined standard for each manufacturer's entire light truck fleet. The combined standard was intended to achieve essentially the same overall fuel efficiency improvement as the separate standards, while giving manufacturers the flexibility of making greater improvements to one class or the other.

When the MY 1983–85 standards were established in December 1980, NHTSA did not make corresponding changes to the MY 1982 standards by adding a separate combined standard option for that year. However, on July 29, 1982, NHTSA took such action by setting an optional combined standard of 17. 5 mpg. The figure of 17.5 mpg was dertermined by harmonically weighing the separate standards based on the 75 percent/25 percent sales mix of two-wheel drive light trucks and four-wheel drive light trucks used for MY 1982 in the MY's 1983–85 rulemaking. Thereby manufacturers have been given greater flexibility in all four model years, 1982–85, to choose how each one allocates its efforts to improve fuel economy between technology changes and sales mix changes.

B. Automobile Fuel Efficiency Act of 1980—Procedures for Petitions

The Automobile Fuel Efficiency Act of 1980 (Act of 1980) modified several provisions of Title V of the Motor Vehicle Information and Cost Savings Act. Four of these call for affected manufacturers to present data to NHTSA in support of a request for modification of existing Title V requirements. On July 29, 1982, the agency issued a final rule (47 FR 7245) identifying the specific information it would expect to receive on these four topics in order to meet the requirements outlined by the Congress in the Act of 1980.

1. The first set of requirements concerned the exemption provided by Section 4(a) of the Act of 1980 from the domestic content provision in section 503 of Title V. Section 503 specifies that passenger cars having less than 75 percent of the cost to the manufacturer attributable to value added in the U.S. or Canada are considered to be foreign manufactured. Conversely, vehicles with at least 75 percent value added in the U.S. or Canada are considered to be domestically manufactured for the purposes of complying with fuel economy regulations. Since section 503 also requires that domestically and foreign produced passenger automobiles not be grouped together for the purpose of complying with fuel economy standards, highly fuel efficient vehicles with less than 75 percent value added in the U.S. or Canada may not be used by a manufacturer to offset the lower fuel economy of its domestically produced cars.

The domestic content provision was included in Title V to promote employment in the U.S. autombile industry by encouraging manufacturers to produce high fuel economy vehicles in this country, instead of relying on the importation of such cars which they produce or purchase abroad. However, foreign manufacturers choosing to build their most fuel efficient vehicles in the U.S. or Canada, with at least 75 percent domestic content, would not, under the original domestic content provision, be permitted to average such cars with their less fuel efficient foreign-produced models. Thus there existed a disincentive for foreign manufacturers to initiate U.S. production and to achieve high levels of domestic content. The Act of 1980 permits manufacturers completing their first year or production in the period 1975–85 to petition NHTSA for exemption from the separate compliance provisions of Section 503 of Title V. Such a petiton must be granted unless the agency finds that doing so would result in reduced employment in the U.S. automobile industry.

In the July 29 rule the agency identified the information it believes would be necessary to determine whether granting a petition would reduce U.S. automobile employment. First, petitioners must stipulate the vehicle that is expected to be sold in the U.S. during the period for which the exemption is being sought, the projected sales of that vehicle, its domestic content, and plans for obtaining components from domestic sources. Petitioners must also indicate the extent, if any, to which additional sales of the petitioner's vehicles are expected to be gained at the expense of current U.S. manufacturers, and the net employment impact of the shift in sales. Data must also be submitted on the petitioner's total U.S. employment and the effect of the agency's granting or denying the petition on the petitioner's product plan and component sourcing decisions. The agency sought information like that outlined above before it granted Volkswagen of America, Inc.'s (VWOA) petition for relief from the domestic content provision on October 23, 1981. The agency could not find a basis for concluding that granting the petition would result in adverse effects on employment in the U.S. automobile industry.

As required by the Act of 1980 (Section 512(c)(1) of Title V), the Secretaries of Transportation and Labor have made during FY 1982 their first annual examination of the impact of the domestic content amendment to Title V. Although significant declines in vehicle sales experienced by VWOA and other domestic manufacturers in MY 1982 have prevented growth in U.S. autombile industry employment, VWOA has nonetheless followed its plan, as presented to NHTSA in 1981, and expects that its MY 1983 U.S. produced vehicles will contain over 75 percent domestic content. There is no reason, at present, to change the 1981 findings of NHTSA that granting VWOA's petition will promote employment in the U.S. automobile industry without causing undue harm to domestic manufacturers. Also, no evidence has been found that the domestic content provision has permitted a manufacturer of domestically produced cars to attain the 75 percent level, and then subsequently to fall below the 75 percent requirement.

2. The second provision of the Act of 1980 is intended to encourage manufacturers to transfer production of a foreign-produced vehicle to this country. Given the original provisions of Section 503, a passenger automobile with less than 75 percent U.S. content cannot be included in a domestic manufacturer's fuel economy compliance fleet. Although the manufacturer might intend to reach the 75 percent content level after a few years below that mark, it would not b permitted to average a higher fuel economy car model with its domestic fleet until that car model reached 75 percent U.S. content.

To remove this disincentive to domestic production and increase U.S. employment, the Act of 1980 permits any manufacturer to apply for an exemption from the domestic content requirement if it plans to phase in domestic production of a new vehicle by gradually increasing its domestic content to at least 75 percent. A manufacturer which satisfies the statutory requirements is permitted to include up to 150,000 passenger automobiles in its domestic fuel economy compliance fleet if the cars have at least 50 percent domestic content initially and if the manufacturer submits and the agency approves a plan for achieving 75 percent domestic content by the fourth year of the exemption. In its final rule of July 29, 1982, the agency stated that such a plan shall include an estimate of the total manufacturing costs of the vehicles whose production is to be transferred to the U.S., data on the changes in domestic content of such vehicles during each of the four years covered by the plan, and information on the timing and nature of the domestic content changes.

During FY 1982 one manufacturer, American Motors (AMC), petitioned the agency to be permitted to take advantage of this amendment to Title V. American Motors sought approval to include up to 150,000 of its new Alliance vehicles in its domestic average fuel economy calculation. To support its petition, AMC supplied the required data on costs and changes in domestic content. The National Highway Traffic Safety Administration granted the AMC petition on August 23, 1982. To include the Alliance in its domestic fleet for calculation of corporate average fuel economy, AMC must achieve a domestic content of at least 50 percent in MY 1983 and at least 75 percent in model year 1986.

3. The third provision authorizes the agency to adjust the manner in which agerage fuel economy is calculated for a petitioner's four-wheel drive light truck fleet or to provide other relief with repect to a fuel economy standard for four-wheel drive light trucks. A petitioner must show that it would be unable to comply with such a standard "withou causing severe economic

impacts such as plant closings or reduction in employment in the U.S. related to motor vehicle manufacturing."

In its July 1982 rulemaking the ageny specified that a petitioner seeking relief under this provision must: provide data on the vehicle changes being made to achieve compliance and the costs and fuel economy impacts of each change; and identify those compliance steps it believes would cause "severe impacts" and the nature of those impacts. Information must also be submitted on monetary credits likely to be earned in the three model years preceding and the three model years following the model year of which relief is sought. Finally, the petitioner must specify the precise type and extent of relief being sought. As of November 1982 NHTSA had received no petitions for relief based on this provision.

4. The Act of 1980 also amended the provisions of Title V concerning carry forward and carryback of fuel economy compliance credits. Prior to enactment of the amendment, manufacturers could use credits earned in one year to offset penalties assessed in the prior or succeeding model year. Both are calculated at the rate of $5 per tenth of a mpg by which the manufacturer exceeds or falls short of a standard, multiplied by the number of such vehicles it produces in the subject model year. The Act of 1980 changed the one year provision to three years. It also authorized a manufacturer which expects to fail to meet a fuel economy standard in a particular model year to file a plan with NHTSA regarding the prospects for earning credits in the next three model years. The July 1982 rule states that such a plan must include the individual actions to be taken by the manufacturer and a schedule for their accomplishment. It must also include a demonstration of the feasibility of the plan. It the plan is approved, the manufacturer avoids ever being deemed to have violated the fuel economy standard for a praticular model year, provided that the projected credits are actually earned.

C. Low Volume Manufacturers

In addition to the relief provisions discussed above in Section B, the Act of 1980 also authorizes a low volume manufacturer (one manufacturing fewer than 10,000 passenger automobiles whether or not in the United States) to apply to the Secretary of Transportation for alternative average fuel economy standards for two or more model years after model year 1980 and before model year 1986. Such a manufacturer could, given favorable action on its application, be exempted from meeting more stringent standards governing higher volume manufacturers. However, before approving a low volume manufacturer's request, the Secretary must determine that the existing standard is indeed more stringent than the maximum feasible average fuel economy level which the applicant can attain.

The original provisions of Title V concerning low volume manufacturers led to the setting of 17 alternative standards for model years 1978–80. Eleven notices of proposed rulemaking and eleven final rules were needed to set those standards. While the Congress in drafting the Act of 1980 did not approve NHTSA's request to reduce this administrative burden on the agency and the manufacturers by exempting the manufacturers entirely from meeting fuel economy standards, it did give the agency authority to grant an exemption and set an alternative standard or standards for all model years covered in an application.

During fiscal year 1982 Aston, Martin Lagonda, Ltd. (Aston Martin), Avanti Motor Corporation (Avanti), Checker Motors Corporation (Checker), Excalibur Automobile Corporation (Excalibur), and Rolls-Royce Motors, Ltd. (Rolls-Royce), petitioned the agency requesting that they be exempted from the generally applicable average fuel economy standards for model year 1981–85, and that lower alternative standards be established for them. As required by Title V, the agency reviewed each manufacturer's capability to improve fuel economy in order to determine each firm's maximum feasible fuel economy level for the five model years included in their petitions. Seven different methods for increasing fuel economy were examined of all five firms to determine the maximum feasible level: weight reduction, aerodynamic improvement, engine improvements, transmission improvements, drive line improvements, reduced rolling resistance, and mix shifts (decreasing sales of lower fuel economy models and increasing sales of higher fuel economy models). In making its evaluation of the actions available to each firm for improving fuel economy the agency included as a fundamental evaluation factor the economic practicability of the projected action.

Before concluding that it had made an accurate estimate of maximum feasible fuel economy levels to be used to establish alternative standards for the firms, the agency also sought to determine what effect other regulation of passenger cars might have on low volume manufacturer fuel economy achievement levels. The agency found that a fuel economy penalty of seven percent would result from California's MY 1983–85 emission standard for oxides of nitrogen. Each firm's projected fuel economy achievement level for those MY's was thus reduced by seven percent. California emission standards are critical for low volume manufacturers because they certify their vehicles to the most stringent standards to reduce costs and must be prepared to take advantage of the limited demand for their products whenever and wherever it may occur.

On May 13, 1982 (47 FR 20639), NHTSA issued a notice of proposed rulemaking outlining its analysis and proposing the establishing of a single standard for each petitioner for each model year 1981–85. Table III–1 contains a listing of the proposed standards. This approach was selected because it was viewed as providing maximum assurance that manufacturers will fully utilize their capabilities. Other alternatives such as a standard for each model year indentical to each manufacturer's maximum feasible average fuel economy level for the five year period or a single standard for all exempted manufacturers were considered less likely to assure full utilization of manufacturer capabilities.

On December 13, 1982 (47 FR 55684), the agency issued a final rule setting alternative standards for the petitioners. The standards are indentical to those proposed in May 1982 except in the case of Checker Motors Corporation. Checker ceased producing passenger automobiles on July 9, 1982, therefore its petition for exemption during MY's 1983–85 was deemed moot. Alternative standards were set for Checker for MY's 1981 and 1982.

TABLE III–1.—LOW VOLUME MANUFACTURER'S AVERAGE FUEL ECONOMY STANDARDS, MY'S 1981–1985 (MPG)

Model year	Avanti	Rolls-Royce	Checker	Aston Martin	Excalibur
1981	18.2	10.7	18.3	12.2	17.9
1982	18.2	10.6	18.4	12.2	17.9
1983	16.9	9.9	19.2	11.3	16.6
1984	16.9	10.0	21.0	11.3	16.6
1985	16.9	10.0	22.0	11.4	16.6

D. Automotive Fuel Economy Reporting Requirements

Title V requires each automobile manufacturer to submit to NHTSA semiannual reports relating to that manufacturer's efforts to comply with average fuel economy standards. Each report must include a statement indicating whether the manufacturer

will comply with standards for that year, steps taken or to be taken to comply, plus any other information the agency may require. On December 12, 1977 (42 FR 62374), the agency established form and content requirements for fuel economy reports. Those requirements were designed to elicit information necessary to monitor compliance with standards and to assist the agency in its standards setting activities for passenger automobiles and light trucks. Experience with the manufacturers' submissions showed that some of the data was not required as frequently as submitted, some was redundant, or could be obtained through other sources, and some proved not to be as useful as originally believed. For these reasons, coupled with the reduced rulemaking schedule in automotive fuel economy, the agency decided that some of the information required to be submitted in fuel economy reports is no longer needed.

On August 12, 1982 (47 FR 34985), the agency issued a final rule revising the fuel economy reporting requirements. As a result of that action manufacturers will not have to submit data on technology and sales changes from the preceding model year or changes during the current model year intended to increase fuel economy. No data will be required on marketing measures to be used to increase fuel economy. Also, manufacturers will be required to submit a variety of technical and sales data for each vehicle configuration only once rather than twice a year.

E. MY's 1986–87 Light Truck Standards

Section 502(b) of Title V requires NHTSA to issue light truck standards at least 18 months before the beginning of each model year after 1978. The agency therefore began in FY 1982 a rulemaking analysis which is intended to culminate in the issuance of fuel economy standards for MY's 1986–87 light trucks. The first step in the rulemaking was the issuance in October 1982 of a questionnaire to the five domestic manufacturers of light trucks and to four foreign manufacturers. Information was requested on such items as product plans, fuel economy gains expected from particular technology items, sales projections, capital expenditures, etc. Most responses were received in December 1982. They are now being used to develop proposed MY's 1986–87 standards on which public comments will be sought. Final standards are scheduled to be issued by December 1983.

Section IV: Legislative Recommendations

During FY 1982, the Secretary of Transportation submitted to the Congress three proposed amendments to Title V of the Motor Vehicle Information and Cost Savings Act. The first proposed amendment would make the MY 1985 light truck standards applicable to each model year thereafter. The Secretary would be given the authority to amend the standards for MY 1985 and any subsequent MY to a level which he determines is the maximum feasible average fuel economy level for such MY. The effect of this amendment would be to make the Secretary's authority to issue fuel economy standards for light trucks as parallel as is possible to his authority regarding passenger automobiles.

The second amendment is intended to provide for similar treatment of low volume and high volume passenger automobile manufacturers after MY 1985. This would be accomplished by continuing the MY 1985 alternative fuel economy standard(s) for low volume manufacturers, as prescribed by the Secretary, into subsequent model years. The Secretary (i.e., NHTSA) would be given the discretion to revise such an alternative standard(s) after MY 1985 at a level he determines is the maximum feasible average fuel economy level for such MY.

The third amendment would reduce the fuel economy reporting requirements of the automobile manufacturers by requiring the reports on an annual rather than a semiannual schedule. Annual reporting will, in the opinion of NHTSA, meet the information requirements for monitoring manufacturer compliance with fuel economy standards.

Section V: Use of Advance Technology

This section fulfills the statutory requirement of the Department of Energy Act of 1978 (Pub. L. 95–238) Title III, Section 305, which directs the Secretary of Transportation to submit an annual report to Congress on the use of advanced technologies by the automotive industry to improve motor vehicle fuel economy. This report focuses on the application of materials to save weight, introduction of new engines and modification to existing power train and other improvements made during 1982.

Recent events in the automotive market caused manufacturers to improve product quality without incurring higher costs. The softness of domestic sales and the competition of foreign manufacturers required domestic manufacturers to rely on materials with proven qualities. Small improvements were made in the use of high strength steel, aluminum and plastics. *Ward's Automotive Yearbook 1982* estimated that between model years 1981 and 1982 the use of higher strength steel increased on the average by approximately 13 pounds, aluminum by 4 pounds and plastics by 2 pounds. The application of plain carbon steel decreased 133 pounds per vehicle. Total overall weight of a typical automobile dropped an average of 114 pounds.

Aluminum was used in new applications at General Motors whose engineers were anticipating the future of aluminum for major structural components. Transmission supports in the GMC S–15 and Chevrolet S–10 pickups and cast aluminum cases, covers and extensions for 4-speed automatic truck transmissions and new 4- and 5-speed manual transmissions are being produced used aluminum.

The Pontiac Division has an optional aluminum hood for the 1982 Firebird and front-wheel drive 6000. Ford Motor Company is using stamped aluminum hoods, forged aluminum wheels, and aluminum bumpers on its Lincoln Continental.

The increased use of high strength steel (HSS) was approximately 10 to 15 pounds per vehicle. Specific uses of HSS are in the wheels for GM's Camaro and Firebird models and in structural members of Ford's new Ranger pickup. The expanded use of HSS continued in applications such as suspension system cross members, seat backs, door beams, side rails, bumper reinforcements, and rear frame rails. Chrysler is using HSS in many applications on its new E car which is a stretched version of the K car. The Ford Escort and Lynx also have HSS fenders and hoods.

New applications of plastics were not as dramatic as in previous years when flexible fenders, plastic seats, and composite leaf springs were introduced. New application of plastics include hoods, grill, opening panels, and panels below the bumpers. The use of plastics increased by approximately 2 pounds per vehicle.

Ford engineers forecast significant growth in the use of magnesium. Magnesium was introduced by Ford into the clutch housing and pedal supports for the brake and clutch in the new Ranger pickups and in the steering column lock housing on the 1982 Escort/Lynx. However, usage in current domestic automobiles is less than 3 pounds per vehicle. General Motors is planning to use magnesium servo pistons in its new 440 hydramatic transmission in 1983 models.

Material substitution was only one of the methods used to reduce average vehicle weight. Manufacturers also transferred model names from heavier to lighter vehicle platforms and introduced smaller more fuel efficient front-wheel drive automobiles as compact and mid-size vehicles. For example, GM moved its Bonneville nameplate down to the mid-size G-body LeMans chassis and introduced an A-body for four of its divisions as a mid-size front-wheel drive passenger car. Chrysler moved the full sized New Yorker nameplate to the intermediate platform of the Le Baron and introduced a New Yorker E car, a slightly longer K car to compete in the mid-size market. Ford trimmed 18 inches and 500 pounds from its Lincoln Continental and placed it on a Thunderbird platform. It will introduce the Ford Tempo in model year 1983, a stretched version of the subcompact Escort to replace the compact Fairmont.

Along with these model changes, manufacturers reduced aerodynamic drag on the new models. Using wind tunnel testing, GM designed the front-wheel drive A-body and redesigned the rear drive F-body, Camaro and Firebird. Fords' two seater EXP/LN7 has one of the lowest drag coefficients in the industry. Its new Tempo/Topaz and Thunderbird/Cougar also reflect this effort to reduce wind drag. Other subtle changes such as flush mounted windshields, redesigned drip mouldings, new front dams, and repositioned hood ornaments are apparent in most of the domestic manufacturers' models.

New engines were also introduced into the 1982 model year automobiles including optional powerplants for the smaller automobiles and diesel engines for both passenger cars and trucks. General Motor introduced an overhead cam naturally aspirated 1.8 liter engine from Brazil into its J-body, subcompact line. It is also producing a new domestic 2.0 liter engine for the J-body Cavalier. To provide a broader selection of diesel engines, GM introduced a new V-6, 4.3 liter diesel for automobiles and a new V-8, 6.2 liter diesel for light trucks. Another development called throttle body fuel injection took the place of the traditional carburetor on GM's X-, A-, and F-bodies equipped with the 2.5 liter engine. Chrysler is upgrading its 2.2 liter engine to provide 16 percent more horsepower and 9 percent more torque for its K and E passenger automobiles. Ford has a new domestically produced 2.3 liter engine for its front wheel drive passenger cars which will be introduced in 1983. They are also upgrading the old 2.3 liter engine through turbocharging and by converting the engine to use propane. Ford offered a new fuel efficient 3.8 liter, V-6 engine as an option in the 1982 model year Continental, Granada, Thunderbird, Cougar, and XR-7 automobiles. Ford is also purchasing a 2.2 liter diesel engine from Toyo Kogyo for the Ranger pickup truck. A new electronic control module EEC-IV to improve fuel economy is being introduced in the 1.6 liter engine in the Escort and Lynx to control spark advance exhaust gas recirculation and air-fuel mixture. Staged two barrel carburetors using electronic feedback are also being installed on Chrysler's Aires/Reliant and GM's Chevette/T1000.

Sales of front-wheel drive cars increased to 40 percent of the car sales in the period from January through October of 1982. Front-wheel drive passenger automobiles were approximately 34 percent of the 1981 domestic fleet. Introduction of Ford's front-wheel drive Tempo/Topaz automobiles in 1983 will increase the market share of front-wheel drive vehicles. They can be expected to dominate the domestic market soon.

In 1982, the domestic industry experienced its worse sales year in more than 20 years. However, they now have their fleets of smaller more fuel efficient automobiles developed and in production. Diesel engines are available in the larger automobiles and light trucks. The technology is developed and awaiting acceptance in the marketplace. Technological improvements during 1982 were aimed at increasing efficiency through: improvements in aerodynamics; stretching existing front-wheel drive models to replace less efficient rear-wheel drive compact and mid-size automobiles; and adding domestically produced small pickups to existing light truck model lines.

[FR Doc. 83-15999 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-6; Notice 1]

Chrysler Corp.; Receipt of Petition for Determination of Inconsequentiality

Chrysler Corp., Detroit, Michigan ("Chrysler" herein), has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.110, *Tire Selection and Rims for Passenger Cars*, on the basis that it is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decisions or other exercise of judgment concerning the merits of the petition.

Approximately 1350 1983 model Dodge Shelby Charger passenger cars may carry tire inflation placards (required by Standard No. 110) with an incorrect minimum tire size designation. the placards indicate that the size is P195/50R15 when the correct designation is 195/50R15 (no ISO "P" symbol).

Chrysler argues that the incorrect designation do not exist, and therefore tires of this designation is inconsequential because such a tire size and designation are not available in the replacement market. If such a tire becomes available, it will be suitable for the vehicles in question, differing only in a slightly higher load rating. This difference is attributable solely to different methods used in the U.S. and Europe to rate tires. The tire inflation placard otherwise conforms to the requirements of Standard No. 110.

Interested persons are invited to submit written data, views, and arguments on the petition of Chrysler Corp. described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials will be filed, and comments received after the closing date will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

The engineer and lawyer primarily responsible for this notice are P. L. Moore and Taylor Vinson, respectively.

Comment closing date: July 18, 1983.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-16000 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-20; Notice 2]

Goodyear Tire & Rubber Co.; Denial of Petition for Determination of Inconsequential Noncompliance

This notice denies the petition by the Goodyear Tire & Rubber Co. of Akron, Ohio, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a noncompliance with 49 CFR 571.109, Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars.* The basis of the petition was that the noncompliance is inconsequential as it relates to motor vehicle safety.

Notice of the petition was published on October 21, 1982, and an opportunity afforded for comment (47 FR 46956).

Paragraph S4.3 requires that the sidewalls of each passenger car tire be labeled with the maximum load rating. Between September 20, 1981, and June 5, 1982, Goodyear produced over 31,000 Convenience Spare Tire size T145/80D16 tires on which the maximum load was stated as 2260 pounds. The correct figure is 2050 pounds. The error came to Goodyear's attention when Transport Canada discovered failure to meet Canadian Standard No. 109's endurance test requirements, 4 of 18 tires failing when tested at 2240 pounds. Canada then tested 12 tires for endurance at 2030 pounds two of which failed the post inspection test with sidewall bulges. Goodyear's own test of 64 tires at 2050 pounds showed 15 failures.

Goodyear believes that the noncompliance is inconsequential as the heaviest vehicle using the tire, the 1982 Oldsmobile Custom Cruiser Station Wagon, uses as an optional extra load tire one which has a maximum load capacity of 1874 pounds. On the Oldsmobile, the maximum load on each tire will be 1499 pounds. There thus exists a 25% reserve load capacity. Tires tested for endurance under Standard No. 109 at 1874 pounds all passed. The noncompliance then is said to be inconsequential.

No comments were received on the petition.

There are in fact two noncompliances at the heart of this petition, one with the labelling requirements and one with the performance requirements of Standard No. 109. The labelling requirements are violated because the maximum load figure given on the tire is not what the manufacturer says it should be. The tires are labelled "2260" (Table 1-LL of Standard No. 109) but the correct figure, according to Goodyear, is "2050" (Table 1-AAA). The safety significance of the noncompliance is a vehicle driver may impose a heavier load on a tire labelled "2260" than if it is labelled "2050". The performance requirements are violated because, even at 2050 pounds, the tires have failed to meet the endurance requirements.

Nevertheless, Goodyear argues, the endurance test failures are "inconsequential" because the tire has sufficient reserve enven with the maximum weight on it expected in service. The agency does not agree. The reserve load of 25 percent quoted by Goodyear for this vehicle was found to be erroneous. Temporary spare tires need a large margin of reserve. When the Gross Axle Weight Rating (GAWR) of 3301 lbs, 1650 lbs per tire, of a similar vehicle was compared with the Goodyear calculated load of 1499 lbs per tire, the actual reserve load was 12 percent. NHTSA believes that they are often installed in an under inflated condition because they are neglected while stored unused in the trunk, and their pressure falls below the 60 psi required. Overloading of the tire can easily result under reduced pressure, with adverse consequences to safety. The margin of reserve is too close to the border under these circumstances. Further, as a tire infrequently used, the "space saver" spare may outlive the vehicle with which it was originally supplied, and find its way to a car for which it was not intended.

Accordingly, petitioner has not met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby denied.

The engineer and attorney primarily responsible for this notice are Art Neill and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-16001 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP82-18; Notice 2]

Suzuki Motor Co., Ltd.; Grant of Petition for Inconsequential Defect

This notice grants the petition by Suzuki Motor Co., Ltd., of Brea, California, to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for a defect in certain of is motorcycles that it deems is safety-related. The basis of the petition is that the defect is inconsequential as it relates to motor vehicle safety.

Notice of receipt of the petition was published on September 20, 1982, and an opportunity afforded for comment (47 FR 41458).

Among the information that 49 CFR Part 567 requires to be placed on a motor vehicle's permanently attached certification of compliance is the vehicle's gross vehicle weight rating (GVWR). The GVWR is "not less than the sum of the unloaded vehicle weight, rated cargo load, and 150 times the vehicle's designating seating capacity (§ 567.4(g)(3)). Suzuki manufactured, imported, and sold almost a thousand 1982 model year GS450GA motorcycles with incorrectly marked certification labels. The GVWR marked on these labels is 60 lbs. The correct value is 860 lbs.

Suzuki argued that the error is inconsequential as it relates to motor vehicle safety because directly beneath the erroneous value are the correct values for the front gross axle weight rating (330 lbs.) and the rear gross axle weight rating (530 lbs.). Therefore, simply by adding the two additional ratings the operator can determine the correct GVWR for the motorcycle.

No comments were received on the petition.

The erroneous GVWR is such a low value that it is not likely to mislead any motorcycle operator. The other axle ratings are correctly stated, and the noncompliance has no effect upon the ability of the motorcycle to carry the weight for which it was designed. Accordingly, petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential as it relates to motor vehicle safety, and its petition is hereby granted.

The engineer and attorney responsible for this notice are James Thomas and Taylor Vinson, respectively.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

George L. Parker,

Acting Associate Administrator for Enforcement.

[FR Doc. 83-15905 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

Tire Code Marks Assigned to New Tire Manufacturers

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Publication of tire code marks assigned to new tire manufacturers.

SUMMARY: The NHTSA last published a complete listing of the tire code marks assigned to new tire manufacturers in 1972. Since that time, there have been several additions and changes in names and addresses for the assigned code marks. This publication will inform the public of those additions and changes

FOR FURTHER INFORMATION CONTACT: P. L. Moore, Office of Vehicle Safety Standards, Crash Avoidance Division, NHTSA, 400 Seventh Street, SW., Washington, D.C. 20590 (202–426–2153).

SUPPLEMENTARY INFORMATION: Section 574.5 of the Title 49, Code of Federal Regulations, requires tire manufacturers to mold a tire identification number onto or into the sidewall of each tire they manufacture. In the case of new tires, the first two digits of the tire identification number are the code mark assigned to the manufacturer. This code mark identifies the manufacturer and the plant where the tire was manufactured.

The NHTSA published a complete listing of the tire codes at 37 FR 342, January 11, 1972. This list enables interested members of the public to identify the manufacturer and place of manufacture of any new tire.

Since 1972, there have been several changes in the names of the manufacturers and the plant addresses for the assigned code marks. Further, there have been some 150 additional code marks assigned for new tires since the 1972 publication. Accordingly, this updated listing of the assigned code marks for new tires is being published to bring the public up-to-date with the revisions and new code numbers which have been assigned since the publication of the 1972 list.

(Secs. 103,113,119,201,and 206, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1402,1407,1421, and 1426); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

Additional Tire Codes Assigned

New Tire Manufacturers

A1 Manufacture Francaise Pneumatiques Michelin, Poitiers, France
A2 Lee Tire & Rubber Co., Anhanguera Highway, Kilometer 128, Sao Paulo, Brasil
A3 General Tire & Rubber Co., Mount Vernon, Illinois 62864
A4 Hung-A Industrial Co. Ltd., 42 JyonPo-Dong Pusanjin-ku, Pusan, Korea
A5 Debickie Zaklady Opon Samochodowych "Stomil," A1.1 Maja 1, 39–200 Debica, Poland
A6 Apollo Tire Ltd, Jos. Anne M.C.Road, Cochin 682016, Kerala, India
A7 Thai Bridgstone Tire Co. Ltd., Tambol Klong–1, Amphur Klong Luang, Changwad Patoom, Thani, Thailand
A8 P.T. Bridgstone Tire Co. Ltd., Desa Harapan Jaya-Bekasi, Km27–Jawa Barat, Indonesia
A9 General Tire & Rubber Co., 927 S. Union St., Bryan, Ohio 44350
B1 Manufacture Francaise Pneumatiques Michelin, LaRoche Sur Yon, France
B2 Dunlop Malaysian Industries Berhad, Selangor, Malaysia
B3 Michelin Tire Mfg. Co. of Canada Ltd., Bridgewater, Nova Scotia
B4 Taurus Hungarian Rubber Works, 1965 Budapest, Kerepesi UT17, Hungary
B5 Olsztynskie Zaklady Opon Samochodowych "STOMIL," A1.Zwyciestwa 71, Olsztyn, Poland
B6 Michelin Tire Corp., P.O. Box 5049, Spartanburg, S. Carolina 29304
B7 Michelin Tire Corp., 2306 Industrial Road, Dothan, Alabama, 36301
B8 Cia Brasiliera de Pneumaticos Michelin Ind., Estrada Da Cachamorra 5000, 23000 Campo Grande, Rio De Janeiro, Brazil
B9 Michelin Tire Corp., 2520 Two Notch Road, P.O. Box 579 Lexington, S. Carolina, 29072
C1 Michelin (Nigeria) Ltd., Port Harcourt, Nigeria
C2 Kelly Springfield Companhia Goodyear Do Brasil, Km–128 Americana, Sao Paulo Brazil
C3 McCreary Tire & Rubber Co., 3901 Clipper Road, Baltimore, Maryland, 21211
C4 Armstrong Rubber Co., Eagle Bend Industrial Park, Clinton, Tennessee
C5 Poznanskie Zaklady Opon Samochodowych "STOMIL," ul. Starolecka 18, Poznan, Poland
C6 Mitas NP Praha 10–Zahradni Mesto, Komarovova 1900, Praque, Czechoslovakia
C7 Ironsides Tire & Rubber Co., 2500 Grassland Drive, Louisville, Ky 40299
C8 Bridgestone Hsin Chu Plant, Chung Yi Rubber Industrial Co. Ltd., No. 1 Chung Ching Road, Taiwan
D1 Viking-Askim-1800 Askim, Norway
D2 Dayton Tire & Rubber Co. P.O. Box 1000, LeVergne, Tennessee 37086
D3 United Tire & Rubber Co., Northam Ind. Park Cobourg, Ontario, Canada K9A 4K2
D4 Dunlop India Ltd., P.O. Sahaganj, Dist. Hooghly, West Bengal, India
D5 Dunlop India Ltd., Ambattur, Madras–600053, India
D6 Borovo, Ygoslavenski Kombinat Gume i Obose, Borovo, Yugoslavia
D7 Dunlop South Africa Ltd., Ladysmith Plant 151, Helpmekaar Road, Danskraal Ind. sites, Rep. of S. Africa
D8 Dunlop South Africa Ltd., Durban Plant 265, Sydney Road, 4001 Durban, Rep. of S. Africa
D9 United Tire & Rubber Co., Ltd., 275 Belfield Road, Rexdale, Ontario, Canada, M9 W 5C6
E1 Chung Hsin Industrial Co. Ltd., Taichong Hsin, Taiwan
E2 Industria de Pneumatico Firestone SA, Sao Paulo, Brazil
E3 Seiberling Tire & Rubber Co., P.O. Box 1000, LaVergne, Tennessee 37086
E4 Firestone of New Zealand, Papanuvi, Christ Church 5, New Zealand
E5 Firestone South Africa (Pty) Ltd., P.O. Box 992, Port Elizabeth 6000, S. Africa
E6 Firestone Tunisie SA, Boite Postale 55, Menzel-Bourguiba, Tunisia
E7 Firestone East Africa Ltd., P.O. Box 30429, Nairobi, Kenya
E8 Firestone Ghana Ltd., P.O. Box 5758, Accra, Ghana
E9 Firestone South Africa (Pty), P.O. Box 496, Brits 0250, South Africa
F1 Michelin Tyre Co. Ltd., Baldovie Dundee, Scotland
F2 CA Firestone Venezolana, Valencia, Venezuela
F3 Manufacture Francaise Des Pneumatic Michelin, Roanne, France
F4 Fabrica De Pneus Fapobol, Sarl Rua Azevedo Coutinho 39–1.0, Oporto, Portugal
F5 Fate S.A.I.C.I., Avda Alte Blanco Encalada 3003, Buenos Aires, Argentina
F6 General Fabrica Espanola (Firestone Owned) Torrelavega Plant, Spain
F7 General Fabrica Espanola (Firestone Owned) Puente San Miguel Plant, Spain
F8 Vikrant Tyres Ltd., K.R.S. Road, Mysore (Karnataka State) India
H1 De La SAFE Neumaticos Michelin, Valladolid, Spain
H2 SamYang Tire Mfg. Co. Ltd., Song Jung Plt., Junnam, Korea
H3 Sava Industrija Gumijevih, 64,000 Kranj, Yugoslavia
H4 Bridgestone-Houfu, Yamaguchi-ken, Japan
H5 Hutchinson-Mapa, 45210 Chalette Sur Loing, France
H6 Shin Hung Rubber Co. Ltd., 156 Sang Pyong-Dong Jinju, Kyung Nam Korea
H7 Li Hsin Rubber Industrial Co. Ltd., 42 Yuan Lu Road, Sec. 1, Taiwan, China
H8 Firestone, 2600 South Council Road, Oklahoma City, OK 73214
J1 Phillips Petroleum Co., Bartlesville, OK 740004
J2 Bridgestone Singapore Co. Ltd., 2 Jurong Port Road, Jurong Town, Singapore 22, Singapore
J3 Gumarne Maja, Puchov, Czechoslovakia
J4 Rubena N.P., Nachod, Czechoslovakia
J5 Lee Tire & Rubber Co., State Rt. 33, Box 799, Logan Ohio 43138
J6 Jaroslavl Tire Co., Jaroslavl, USSR
J7 R&J Mfg. Corp. 1420 Stanley Dr., Plymouth, Indiana 46563
J8 DaChung Hua Rubber Ind. Co., Shanghai Tire Plant, 839 Hanyshan Rd., Shanghai, China
K1 Phillips Petroleum Co., 1501 Commerce Drive, Stow, Ohio 44224
K2 Lee Tire & Rubber Co., Madisonville, Ky. 42431
K3 Kenda Rubber Industrial Co., Ltd., Yuanlin, Taiwan
K4 Uniroyal S.A., Queretaro, Qte. Mexico
K5 VEB Reifenkombinat Furstenwalde, GDR–124 Furstenwalde-Sud, Trankeweg, Germany
K6 Lee Tire & Rubber Co., One Goodyear Blvd. Lawton, Oklahoma
K7 Lee Tire & Rubber Co., Camino Melipilla KM16, Maipu Box 3607, Santiago, Chile

K8 Kelly Springfield Tire Co., Peti Surat 49, Shah Alam, Sehngor, Malaysia
L1 Goodyear Taiwan Ltd., Taipei, Taiwan, Rep. of China
L2 Wuon Poong Industrial Co., Ltd., 112-5 Sokong-Dong, Chung-Ku, Seoul, Korea
L3 Tong Shin Chemical Products Co., Ltd., Seoul, Korea
L4 Cipcmp Intreprinderea De Anvelope, Danubiana, Romania
L5 Lassa Lastik Sanayi VeTicaret, A.S. Fabrikas, Kosekoy P.K. 250 Izmit, Turkey
L6 Modi Rubber Limited, Modipuram Plant, Meerut UP250110, India
L7 Cipcmp Intreprinderea De Anvelope, Zalau, Romania
L8 Dunlop Zimbabwe Ltd., Donnington, Bulawayo, Zimbabwe
M1 Goodyear Maroc S.A. Casablanca, Morocco
M2 Goodyear Tire & Rubber Co., Madisonville, Ky. 42431
M3 Michelin Tire Corp., 730 S. Pleasantburg Drive, Greenville, S. Carolina 29602
M4 Goodyear Tire & Rubber Co., Logan, Ohio 43138
M5 Michelin Tire Mfg. Co. of Canada Ltd., P.O. Box 5000, Kentville, Nova Scotia B4NV36
M6 Goodyear Tire & Rubber Co., One Goodyear Blvd., Lawton OK 73504
M7 Goodyear DeChile S.A.I.C., Camino Melipilla K.M.16 Maipu, P.O. Box 3607, Santiago, Chile
N1 Maloja AG Pneu Und Gummiwerke. Ormalingerstrasse Gelterkinden, Switzerland, CH 4460
N2 Hurtubise Nutread, 525 Vickers Street, Tonawanda, N.Y. 14150
N3 Ryoto Tire Co., Ltd., Kuwana Plant, 2400 Arano Nakagami, Tohin-Cho Inabe-Gun, Mie-ken, Japan
N4 Cipcmp—intreprinderea De Anvelope, Victoria, Romania
N5 Pneumant, VEB Reifenwerk Riesa, Paul-Greifzu-Strasse 20, 84 Riesa, Germany
N6 Pneumant VEB Reifenwerk Heidenau Haudtstrass 44 GDR, 8312 Heidenau, Germany
N7 Cipcmp Intrepinderea De Anvelope, Caracal, Romania
N8 Lee Tire & Rubber Co. (Goodyear, Malaysia Berhad), Peti Surat 49, Shah Alam, Selengor, Malaysia
P1 Gislaved Gummi Fabriken, 33200 Gislaved, Sweden
P2 Kelly Springfield, Madisonville, Ky. 42431
P3 Skepplanda Gummi AB, 440-40 Alvangen, Sweden
P4 Kelly Springfield, Route 33, Logan, Ohio, 43138
P5 General Popo S.A., Central Camionera, Zona Industrial, San Luis Potosi S.L.P., Mexico
P6 Kelly Springfield Tire Co., One Goodyear Blvd, Lawton, OK 73504
P7 Kelly Springfield, Camino Melipilla K.M.16, Maipu, P.O. Box 3607, Santiago, Chile
P8 China National Chemicals Import & Export Corp., Shandong Branch, Quingdao 97 Cangtai Rd. China
T1 Hankook Tire Mfg. Co., Ltd., Seoul, Korea
T2 Ozos (Uniroyal) A.G., Olsztyn, Poland
T3 Debickie Zattldy Opon Samochodowych, Stomil, Debica, Poland (Uniroyal)
T4 S.A. Carideng (Rubber Factory), Jan Rosierlaan 114, B 3760 Lanaken, Belgium
T5 Tigar Pirot, 18300 Pirot, Yugoslavia
T6 Hulera Tornel S.A., Sta. Lucia 198 Fracc. Ind. San Antonio, Mexico, 16, D.F.
T7 Hankook Tire & Mfg. Co. Inc., Daejun Plant, 6581-1 Sukbong-RI, Daeduk-kun, Choongchung Namdo, Korea
T8 Goodyear Tire & Rubber Co., Goodyear Malaysia Berhad, Peti Surat 49, Shah Alam, Selangor, Malaysia
U1 Lien Shin Tire Co. Ltd., 20 Chung Shan Road, Taipei, Taiwan
U2 Sumitomo Rubber Industries Ltd., Shirakawa City, Fukoshima Pref. JAPAN (Dunlop)
U3 Miloje Zakic, 3700 Krusevac, Yugoslavia
U4 Geo. Byers Sons, Inc., 46 East Town Street, Columbus, Ohio, 43215
U5 Farbentabriken Bayer GMBH, D 5090 Leverkusen, West Germany
U6 Pneumant-VEB Reifenwerk Dresden, GDR-8040 Dresden, Mannheimer Strasse GERMANY
U7 Pneumant-VEB Reifenwerk Neubrandenburg GOR-20 Neubrandenberg, GERMANY
U8 Hs in Fung Factory of Nankang Rubber Corp. Ltd., 399 Hs in Shing Road, Yuan San, Taiwan
V1 Livingston Tire Shop, North Main Street, Hubbard, Ohio 44425
V2 Volzhsky Tire Plant, Volzhsk 404103, USSR
V3 Tahsin Rubber Tire Co. Ltd., Tuchen Village Taipei, Hsieng, Taiwan
V4 Ohtsu Tire & Rubber Co., Miyakonojo City, Miyazaki Pref., JAPAN (Firestone)
V5 Firestone Tire & Rubber Co., Mexico City, Mexico
V6 Firestone Tire & Rubber Co., Cuernavaca, Mexico
V7 Voronezhsky Tire Plant, Voronezh 494034 USSR
V8 Boras Gummi Fabrik A.B, Dockvagenl, S502 38 Boras, Sweden (Mac Ripper Tire an Rubber Company)
W1 Firestone Tire & Rubber Co., P.O. Box 1000, LaVergne, Tennessee 37086
W2 Firestone Tire & Rubber Co., Wilson, N. Carolina 27893
W3 Vredestein Doetinchem B.V., Doetinchem, The Netherlands (B.F. Goodrich)
W4 Dunlop Tyres, Somerton, Victoria, Australia
W5 Firestone Argentina SAIC, Antartida, Argentina, 2715 Llavollol, Buenos Aires, Argentina
W6 Firestone Tire & Rubber Co., P.O. Box 1355 Commerce Center, Makati, Risal, Philippines
W7 Firestone Portuguesa S.A.R.L., Apartado 3, Alcochete, Portugal
W8 Firestone Tire & Rubber Co. Ltd., P.O. Box Prakanong 11/118, Bangkok Thailand
W9 Industrie De Pneumaticos Firestone S.A., Caixa Postal 2505, Rio De Janeiro, Brazil
X1 Tong Shin Chemical Products, Co. Inc., Seoul, Korea
X2 Hwa Fong Rubber Ind. Co. Ltd., 45 Futsen Road, Yuanlin, Taiwan
X3 Belotserkovsky Tire Plant, Belaya Tserkov, 256414, U.S.S.R.
X4 Pars Tyre Co., (Pirelli), Saveh, Iran
X5 JK Industries Ltd., Kankroli, Udaipur District, Rajasthan, India
X6 Bobruysky Tire Plant, Bobruysk 213824 U.S.S.R.
X7 Chimkentsky Tire Plant, Chimkent 486025 U.S.S.R.
X8 Dnepropetrovsky Tire Plant, Dnepropetrovsk 320033 U.S.S.R.
X9 Moscovsky Tire Plant, Moscow 109088 U.S.S.R.
X10 Nizhnekamsky Tire Plant, Nishnekamsk 423510 U.S.S.R.
Y1 Companhia Goodyear DoBrasil, KM-128 Americana, Sao Paulo, Brasil
Y2 Dayton Tire Co., Wilson, N. Carolina 27893
Y3 Seiberling Tire & Rubber Co., Wilson, N. Carolina 27893
Y4 Dayton Tire & Rubber Co., 345-15th St. S.W., Barberton, Ohio (Firestone)
Y5 Tsentai Rubber Factory, 27 Chung Shan Rd., E.I. Shanghai, China
Y6 I.T. International Sdn. Bhd., P.O. Box 100 Alor Setar Kedah, Malaysia
Y7 Bridgestone Tire Co., (U.S.A.) Ltd., I-24 Waldron Dr., Lavergne, Tenn.

[FR Doc. 83-16018 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

[Docket No. IP83-5; Notice 1]

Zimmer Motor Vans; Receipt of Petition for Determination of Inconsequential Noncompliance

Zimmer Motor Vans, Cordele, Georgia, a division of Zimmer Corp., Pompano Beach, Florida, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 3181 *et seq.)* for an apparent noncompliance with 49 CFR 571.208, Motor Vehicle Safety Standard No. 208, *Occupant Restraint Systems.* The basis of the petition is that the noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of a petition is published under section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Petitioner produces van conversions using Ford, General Motors, and Chrysler Corporation vehicles. The conversions are certified as "multipurpose passenger vehicles." The petition covers 3,570 conversions produced from September 1, 1981, through February 18, 1983.

Paragraph S4.2.2 of Standard No. 208 specifies that multipurpose passenger

vehicles have the same occupant protection systems as passenger cars under paragraph S4.1.2, in essence a Type 2 seat belt assembly at each front outboard designated seating position, a Type 1 assembly at all other designated seating positions, and a warning system. The Zimmer conversions have the requisite number and types of seat belt assemblies; however, the assemblies have a manual adjusting device instead of an emergency-locking adjusting device, and a single point push button latch release. Further, the vehicles (though having a warning light) lack an audible warning.

Zimmer comments that the level of protection it has provided exceeds that required for forward-control vehicles before September 1, 1981 when only Type 1 belts were mandated for the front seating positions and a warning need not have been provided. Because its van conversions are similar to motor homes and it meets motor home protection requirements, the petitioner asks that its noncompliances be deemed inconsequential. It also cites in support the agency's temporary exemption of Vintage Reproductions Inc. (47 FR 46047) from these requirements.

Interested persons are invited to submit written data, views and arguments on the petition of Zimmer Corporation described above. Comments should refer to the docket number amd be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: July 18, 1983.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on June 8, 1983.

Kennerly H. Digges,

Acting Associate Administrator for Rulemaking.

[FR Doc. 83-15998 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-59-M

Office of the Secretary

Reports, Forms, and Recordkeeping Requirements; Submittals to OMB May 1-May 31, 1983

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice lists those forms, reports, and recordkeeping requirements, transmitted by the Department of Transportation, during May 1983 to the Office of the Management and Budget (OMB) for its approval. This notice is published in accordance with the requirments of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35)

FOR FURTHER INFORMATION CONTACT: John Windsor, John Chandler, or Annette Wilson, Information Requirement Division, M-34, Office of the Secretary of Transportation, 400 7th Street, SW., Washington, D.C. 20590, (202) 426-1887 or Gary Waxman or Wayne Leiss, Office of Management and Budget, New Executive Office Building, Room 3001, Washington, D.C. 20503, (202) 395-7313.

SUPPLEMENTARY INFORMATION:

Background

Section 3507 of Title 44 of the United States Code, as adopted by the Paperwork Reduction Act of 1980, requires that agencies prepare a notice for publication in the **Federal Register**, listing those information collection requests submitted to the Office of the Management and Budget (OMB) for approval under that Act. OMB reviews and approves agency submittals in accordance with criteria set forth in that Act. In carrying out its responsibilities, OMB also considers public comments on the proposed forms, reporting and recordkeeping requirements.

On Mondays and Thursdays, as needed, the Department of Transportation will publish in the **Federal Register** a list of those forms, reporting and recordkeeping requirements that it has submitted to OMB for review and approval under the Paperwork Reduction Act. This list will include new items imposing paperwork burdens on the public as well as revisions, renewals and reinstatements of already existing requirements. OMB approval of an information collection requirement must be renewed at least once every three years. The published list also will include the following information for each item submitted to OMB:

(1) A DOT control number.

(2) An OMB approval number if the submittal involves the renewal, reinstatement or revision of a previously approved item.

(3) The name of the DOT Operating Administration or Secretarial Office involved.

(4) The title of the information collection request.

(5) The form numbers used, if any.

(6) The frequency of required responses.

(7) The persons required to respond.

(8) A brief statement of the need for, and uses to be made of, the information collection.

Information Availability and Comments

Copies of the DOT information collection requests submitted to OMB may be obtained from the DOT officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above.

Comments on the requests should be forwarded, as quickly as possible, directly to the OMB officials listed in the **"FOR FURTHER INFORMATION CONTACT"** paragraph set forth above. If You anticipate submitting substantive comments, but find that more than 5 days from the date of publication is needed to prepare them, please notify the OMB officials of your intent immediately.

Items Submitted for Review by OMB

The following information collection requests were submitted to OMB during May 1983:

DOT No: 2167.

OMB No: 2137-0030.

By: Research and Special Programs Administration.

Title: Application for exemption renewal.

Forms: None.

Frequency: Biennially.

Respondents: Applicants for exemption renewals.

Need/Use: Needed to make safety analysis of exemption holders who wish to renew their exemption. Used by staff of Materials Transportation Bureau (MTB) to evaluate the renewal request to determine if exemption should be renewed or denied.

DOT No: 2168.

OMB No: 2137-0027.

By: Research and Special Programs Administration.

Title: Exemption Holder Recordkeeping.

Forms: None.

Frequency: On Occasion.

Respondents: Holder of Exemptions.

Need/Use: Used by the MTB to evaluate the level of safety maintained by exemption holders during shipments of hazardous materials made under the terms of an exemption.

DOT No: 2169.
OMB No: 2137–0028.
By: Research and Special Programs Administration.
Title: Application to become a party to an exemption.
Forms: None.
Frequency: One-Time, when applying.
Respondents: Shippers and carriers of hazardous materials, manufacturers of containers for hazardous materials.
Need/Use: To allow applicants to be included in exemptions previously granted rather than applying separately for an exemption which would entail duplication of material previously submitted.

DOT No: 2170.
OMB No: (New).
By: Office of the Secretary.
Title: Department of Transportation Procurement Operations.
Forms: SF–33.
Frequency: On Occasion.
Respondents: The public, including businesses and local governments.
Need/Use: DOT is requesting an interim clearance to cover all procurements where information is provided by the public until a better estimate can be prepared for burdens on the public and accurate clearance requests prepared.

DOT No: 2171.
OMB No: 2137–0023.
By: Research and Special Programs Administration.
Title: Special Instructions for Cryogenic Liquids.
Forms: None.
Frequency: Each shipment of a flammable cryogenic of over 125 gallons.
Respondents: Motor carriers.
Need/Use: To ascertain that drivers know emergency procedures and who to notify in case of accident or container failure.

DOT No: 2172.
OMB No: 2137–0024.
By: Research and Special Programs Administration.
Title: Flammable Cryogenic Liquid Training Records.
Forms: None.
Frequency: Biennially.
Respondents: Motor Carriers.
Need/Use: To ascertain that drivers of vehicles transporting cryogenic liquids are educated in the regulations pertaining to cryogenic liquids, driver requirements of the Motor Carrier Safety Regulations, hazards of cryogenics and emergency procedures.

DOT No: 2173.
OMB No: 2137–0025.
By: Research and Special Programs Administration.
Title: Shipper or Carrier Registration Statement.
Forms: None.
Frequency: Biennnially.
Respondents: Shippers and Carriers of Flammable Cryogenic Materials.
Need/Use: To ascertain who is shipping flammable cryogenic liquids, location of facilities warranting public inspections, the number and types of portable tanks and cargo tank cars used to transport flammable cryogenic liquids.

DOT No: 2174.
OMB No: 2137–0026.
By: Research and Special Programs Administration.
Title: Cargo Tank Pressure and Temperature Record.
Forms: None.
Frequency: For each shipment of over 125 gallons of a flammable cryogenic.
Respondents: Motor Carriers.
Need/Use: To ascertain that cargo tanks have not been overfilled and to guard against possibilities of malfunction during the trip which would allow the product to expand causing the tank to explode; and to assure shippers and operators of motor carriers that the tank is safe to refill.

Issued in Washington, D.C., on June 7, 1983.

Karen S. Lee,

Deputy Assistant Secretary for Administration.

[FR Doc. 83-15945 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

Grants and Denials of Applications for Exemptions; Los Alamos Scientific Laboratory, et al.

AGENCY: Materials Transportation Bureau, RSPA, DOT.

ACTION: Notice of grants and denials of applications for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given of the exemptions granted in May 1983. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

RENEWAL AND PARTY TO EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
2000-X	DOT-E 2000	Los Alamos Scientific Laboratory, Los Alamos, NM.	49 CFR 172.101, 173.304(a), 173.316(a)(2).	To authorize use of a non-DOT specification portable tank or a DOT Specification 4L cylinder, for shipment of flammable liquefied compressed gases. (Mode 1.)
4108-P	DOT-E 4108	Welding and Therapy Service, Inc., Louisville, KY.	49 CFR 173.315(a)	To become a party to Exemption 4108. (Mode 1.)
6151-X	DOT-E 6151	Virginia Chemicals Inc., Portsmouth, VA	49 CFR 173.302(a)(4), 173.304(a)(1), 173.305(c).	To authorize shipment of liquefied, nonliquefied flammable and nonflammable gases, in DOT Specification 39 seamless aluminum cylinders. (Modes 1, 20)
6184-X	DOT-E 6184	Air Products and Chemicals, Incorporated Allentown, PA.	49 CFR 172.101, 173.315(a)(1)	To authorize use of non-DOT specification portable tanks, for transportation of a nonflammable gas. (Mode 1, 30)
6443-X	DOT-E 6443	Montana Sulphur & Chemical Company, Billings, MT.	49 CFR 173.315(a)(1)	To authorize use of DOT Specification MC-331 insulated cargo tanks not presently authorized, for transportation of a flammable gas. (Mode 1.)
6738-X	DOT-E 6738	El Paso Products Company, Odessa, TX	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6738-X	DOT-E 6738	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)
6738-X	DOT-E 6738	Texas Eastman Company, Longview, TX	49 CFR 172.101, 173.315(a)	To authorize shipment of liquefied ethylene in non-DOT specification cargo tanks. (Mode 1.)

RENEWAL AND PARTY TO EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6800-X	DOT-E 6800	Plasti-Drum Corporation, Lockport, Il	49 CFR 173.119(a), 173.119(b), 173.245(a)(26), 173.245b(a)(5), 173.249(a)(1), 173.250(a)(1), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.271, 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.289(a)(1), 173.292(a)(1), 173.357(b), 178.19.	To authorize manufacture, marking and sale of non-DOT specification 50- and 55-gallon polyethylene containers similar to DOT Specification 34, for shipment of certain flammable, corrosive, poison B liquids and hydrogen peroxide classed as an oxidizer. (Modes 1, 2, 3.)
6883-X	DOT-E 6883	Hedwin Corporation, Baltimore, MD	49 CFR 173.119, 173.154, 173.221, 173.245.(a)(26), 173.249(a)(1), 173.250(a)(1), 173.256(a), 173.257(a)(1), 173.263(a)(28), 173.265(d)(6), 173.266(b)(8), 173.272(g), 173.272(i)(9), 173.277(a)(6), 173.287(c)(1), 173.288, 173.289(a)(1), 173.292(a)(1), 173.346(a), 178.19.	To authorize manufacture, marking and sale of non-DOT specification molded polyethylene containers, for shipment of oxidizers, poison B, corrosive liquids, organic peroxides and flammable liquids. (Modes 1, 2, 3.)
7010-X	DOT-E 7010	Great Lakes Chemical Corporation El Dorado, AR.	49 CFR 173.252(a)(4)	To authorize transport of bromine in non-DOT specification lead lined portable tanks. (Modes 1, 2, 3.)
7252-X	DOT-E 7252	E. I. du Pont de Nemours & Company, Inc., Wilmington, DE.	49 CFR 173.93	To authorize transport of Pourvex and Tovex Extra in DOT Specification 17H metal drums. (Mode 3.)
7526-X	DOT-E 7526	Schering AG, West Berlin, West Germany	49 CFR 173.134	To authorize shipment of a pyrophoric liquid in non-DOT specification portable tanks. (Modes 1, 3.)
8008-X	DOT-E 8008	Wheaton Aerosols Co., Mays Landing, NJ	49 CFR 173.305, 173.306(a)	To authorize manufacture, marking and sale of non-DOT specification aerosol container consisting of a glass bottle externally coated with plastic, for shipment of compressed gases. (Modes 1, 2, 3, 4.)
8079-X	DOT-E 8079	Container Corporation of America, Wilmington, DE.	49 CFR 178.35a-1	To authorize manufacture, marking and sale of DOT Specification 2SL inside polyethylene containers using a higher density, higher melt index resin, for shipment of those materials authorized in a DOT Specification 2SL. (Modes 1, 2, 3.)
8269-X	DOT-E 8269	M-D Trailer Company, Fort Worth, TX	49 CFR 173.119(a), 173.119(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of certain non-DOT specification cargo tanks complying with DOT Specification MC-307/MC-312 except for bottom outlet valve variations, for transportation of flammable, corrosives, poison waste liquid or semi solids. (Mode 1.)
8526-P	DOT-E 8526	Bass Transportation Company, Inc., Felmington, NJ.	49 CFR 177.834(L)(2)(i)	To become a party to Exemption 8526. (Mode 1.)
8552-X	DOT-E 8552	Brenner Tank, Incorporated, Fond du Lac, WI.	49 CFR173.119(a),(m), 173.245(a), 173.346(a), 178.340-7, 178.342-5, 178.343-5.	To authorize manufacture, marking and sale of non-DOT specification cargo tanks complying generally with DOT Specification MC-307/312 except for bottom outlet valve variations, for transportation of flammable or corrosive waste liquids or semi-solids. (Mode 1.)
8556-P	DOT-E 8556	Helium Sales, Inc., Amarillo, TX	49 CFR 172.101, 173.315(a)	To become a party to Exemption 8556. (Modes 1, 3.)
8556-X	DOT-E 8556	Air Products and Chemicals, Incorporated, Bethlehem, PA.	49 CFR 172.101 173.315(a)	To authorize use of non-DOT specification containerized portable tanks for transportation of liquefied hydrogen. (Modes 1, 3.)
8644-X	DOT-E 8644	Richmond Lox Equipment Company, Livermore, CA.	49 CFR 172.101, 173.315	To authorize shipment of liquid nitrogen or oxygen, in vacuum insulated non-DOT specification cargo tanks. (Mode 3.)
8691-X	DOT-E 8691	Aluminum Company of America, Palestine, TX.	49 CFR 173.333	To provide for shipments by common or contract carrier rather than private. (Modes 1, 2, 3.)
8723-X	DOT-E 8723	Ireco Chemicals, Salt Lake City, UT	49 CFR 173.114a(h)(3)	To authorize a portable tank as an additional container for shipment of blasting agents. (Mode 1.)
8725-X	DOT-E 8725	CGN Fuel Cylinder Corporation, Long Beach, CA.	49 CFR 173.302(a)	To use NOL ring testing instead of tensile testing and to modify cycling test requirements. (Mode 1.)
8877-X	DOT-E 8877	Allied Chemical, Morristown, NJ	49 CFR 173.119(m)(3), 173.245, 175.3	To authorize shipment of certain materials described as flammable liquids, corrosive, n.o.s. (corrosive to skin only) and corrosive liquids, n.o.s., in DOT-12B65 fiberboard boxes with inside glass bottles having a capacity not to exceed one-gallon. (Modes 1, 2, 3.)

NEW EXEMPTIONS

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8996-N	DOT-E 8896	Kerrco Inc., Hastings, NE	49 CFR 178.19, Part 173, Subpart F	To authorize manufacture, marking and sale of non-DOT specification 55 gallon polyethylene drums comparable to DOT Specification 34, for shipment of those corrosive liquids presently authorized in DOT Specification 34. (Modes 1, 2.)
8917-N	DOT-E 8917	Morrison-Knudsen Company, Inc., Burlingame, CA.	49 CFR 173.182, 176.400	To authorize transport of ammonium nitrate prills in large, lined steel container. (Modes 1, 2, 3.)
8936-N	DOT-E 8936	Great Lakes Chemical Corporation, West Lafayette, IN.	49 CFR 173.357(b)(2)	To authorize shipment of a mixture containing 57% chloropicrin and 43% 1,3-dichloropropene, 1,2-dichloropropane and related hydrocarbons, respectively, by weight, in non-authorized DOT Specification 5B metal drums. (Modes 1, 2, 3.)
8948-N	DOT-E 8948	Immuno Nuclear, Corporation Stillwater, MN.	49 CFR 173.242, 173.25(b)	To authorize shipment of limited quantities of a radioactive material, flammable liquid and corrosive material (liquid), in non-DOT specification single wall, corrugated fiberboard boxes. (Modes 1, 4.)
8951-N	DOT-E 8951	Presto Products, Inc., Appleton, WI	49 CFR 173.1200(a)(1)(ii)	To authorize shipment of small quantities of a nail polish remover solution containing a mixture of ethyl acetate and aqueous isopropyl alcohol, almost completely absorbed in a roll of rayon fiber wipes (towelettes) and packaged in non-DOT specification containers. (Modes 1, 3.)
8968-N	DOT-E 8968	Degussa Corporation, Peterboro, NJ	49 CFR 173.206	To authorize use of a non-DOT Specification IMO Type 1 portable tank, for transportation of a flammable solid. (Modes 1, 2, 3.)
8978-N	DOT-E 8978	A/S Hellesens, Soborg, Denmark	49 CFR 172.101, 175.3	To authorize transport of lithium cells containing more than 12, but not more than 50, grams of lithium metal, in non-DOT specification, non-reusable, open head, steel drums. (Modes 1, 2, 4.)

NEW EXEMPTIONS—Continued

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
8987-N	DOT-E 8967	Hedwin Corporation, Baltimore, MD	49 CFR 178.35a-1	To authorize manufacture, marking and sale of DOT Specification 2SL inside polyethylene containers of Type III, high density, high molecular weight resin, for transportation of those commodities presently authorized to be packaged in a DOT Specification 2SL inside polyethylene container. (Modes 1, 2, 3.)
9012-N	DOT-E 9012	Thiokol Corporation, Brigham City, UT	49 CFR 173.182, 173.239a	To authorize shipment of ammonium perchlorate and sodium nitrate, classed as oxidizers, in DOT Specification 53 aluminum portable tanks modified to incorporate a pressure equalizing apparatus. (Modes 1, 2.)
9034-N	DOT-E 9034	Airco Industrial Gases, Murray Hill, NJ	49 CFR 173.302, 173.304, 173.328, 173.334, 175.3.	To authorize use of a previously not authorized DOT Specification 3AL aluminum cylinder, for transportation of certain gases and gas mixtures. (Modes 1, 2, 4, 5.)
9035-N	DOT-E 9035	Rohm and Haas Company, Philadelphia, PA.	49 CFR 173.245	To authorize use of DOT Specification 51 stainless steel portable tanks, for transportation of corrosive liquid. (Mode 1.)
EE 8907-X	DOT-E 8907	U.S. Department of Defense, Washington, DC.	49 CFR 172.101(6)(b), 175.3, 175.30	To authorize air transport of Class A and C explosives that are packed, marked, labeled and loaded in accordance with 49 CFR Part 173 or AFR 71-4. (Mode 4.)
EE 9056-N	DOT-E 9056	Hodgdon Powder Co., Inc., Shawnee Mission, KS.	49 CFR 173.93(a)	To authorize shipment of certain identified solid propellant explosives, in polyethylene bottles packed in DOT Specification 12B boxes. (Mode 1.)

WITHDRAWALS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
6958-X	Great Lakes Chemicals Corporation, El Dorado, AR.	49 CFR 173.252(a)(5)	To authorize Shipment of elemental bromine in a portable tank not presently authorized in the regulations. (Modes 1, 3.)
7060-X	Cheshire Airways, Inc., Keene, NH	49 CFR 175.702(b), 175.75(a)(3)(ii)	To authorize carriage of radioactive materials aboard cargo-only aircraft when the combined transport index exceeds 50.0 and/or the separation criteria cannot be met. (Mode 4.)
8300-N	United Parcel Service Greenwich, CT	49 CFR 172.200	To authorize shipment of radioactive materials, limited quantity, n.o.s. and radioactive devices n.o.s. without shipping papers. (Modes 1, 2.)
8941-N	Day & Zimmermann, Inc., Philadelphia, PA	49 CFR 172.101, 173.65, 175.30	To authorize a one-time shipment of a high explosive, Class A, contained in 35 non-DOT specification fiberboard drums net weight not over 133 pounds each. (Mode 4.)

Denials

8861-N Request by Hoover Universal, Inc., Beatrice, NE to reconsider denial of their request to manufacture, mark and sell DOT Specification 57 portable tanks for shipment of various flammable liquids which are also corrosive or poison and certain Class B poison liquids denied May 23, 1983.

8974-N Request by Fabricated Metals, Inc., San Leandro, CA to reconsider denial of their request to manufacture DOT Specification 56 portable tanks from an aluminum alloy which does not have the mechanical properties specified in 49 CFR 178.251-2(d)(1) denied May 26, 1983.

Issued in Washington, DC, on June 10, 1983.

J. R. Grothe,

Chief, Exemptions Branch, Office of Hazardous Materials Regulation Materials Transportation Bureau.

[FR Doc. 83-16098 Filed 6-15-83; 8:45 am]

BILLING CODE 4910-60-M

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1980; Forms Under Review by the Office of Management and Budget

AGENCY: Tennessee Valley Authority.

ACTION: Forms Under Review by the Office of Management and Budget.

SUMMARY: The Tennessee Valley Authority (TVA) has sent to OMB the following proposals for the collection of information under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

Requests for information, including copies of the forms proposed and supporting documentation, should be directed to the Agency Clearance Officer whose name, address, and telephone number appear below. Questions or comments should be directed to the Agency Clearance Officer and also to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Attention: Desk Officer for Tennessee Valley Authority, 395-7313.

Agency Clearance Officer: John O. Catron, Tennessee Valley Authority, 100 Lupton Building, Chattanooga, TN 37401; (615) 751-2523, FTS 858-2523

Type of Request: Extension

Title of Information Collection: Foreign Line Crossing Data (form TVA 6573)

Frequency of Use: Nonrecurring

Type of Affected Public: State or local governments and small businesses or organizations

Standard Industrial Classification: N/A

Small Businesses or Organizations Affected: Yes

Federal Budget Functional Category Code: 271

Estimated Number of Annual Responses: 135

Estimated Total Annual Burden Hours: 1,350

Estimated Annual Cost from Federal Government appropriated funds: None

Need For and Uses of Information: When a company wishes to build a line over or under a power transmission line owned by TVA, TVA must review certain engineering data to ensure reliability of the power system and to protect the public by ensuring that the crossing meets the National Electrical Safety Code. The information collection will provide such engineering data.

Dated: June 10, 1983.

John W. Thompson,

Assistant General Manager, Senior Agency Official.

[FR Doc. 83-16193 Filed 6-15-83; 8:45 am]

BILLING CODE 8120-01-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 117
Thursday, June 16, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DATE AND TIME: Tuesday, June 21, 1983, 9:30 a.m. (eastern time).

PLACE: Commission Conference Room No. 200, second floor, Columbia Plaza Office Building, 2401 E. Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

1. Ratification of Notation Vote/s.
2. A Report on Commission Operations (Optional).
3. Freedom of Information Act Appeal No. 83-4-FOIA-31-NO, concerning a request for ADEA Charge Files.
4. Freedom of Information Act Appeal No. 83-3-FOIA-51-HQ, concerning a request for contents of an ADEA Charge File.
5. Recommended Mid-Year Modifications to FEP Agency FY 83 New Charge and ADEA Contracts.
6. Interpretative Bulletin on Employee Benefit Plans, 29 CFR 860.120 (For Public Comment on Particular Questions).

Closed:

1. Litigation Authorization General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notice on EEOC Commission meetings in the **Federal Register**, the Commission also provides recorded announcements a full week in advance on future Commission sessions. Please telephone (202) 634-6748 at all times for information on these meetings).

CONTACT PERSON FOR MORE INFORMATION: Treva McCall, Executive Secretary to the Commission at (202) 634-6748.

This Notice Issued June 14, 1983.

[S-860-83 Filed 6-14-83; 3:42 pm]

BILLING CODE 6570-06-M

2

FEDERAL ELECTION COMMISSION

DATE AND TIME: Tuesday, June 21, 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. Litigation. Audits. Personnel.

DATE AND TIME: Thursday, June 23, 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
Draft advisory opinion 1983-15: J. Curtis Herge, on behalf of Republican Party of Virginia
Eligibility reports for candidates to receive presidential primary matching payments
Certification Reports:
(1) 1984 Democratic National Convention Committee
(2) Committee on Arrangements for the 1984 Republican National Convention
Explanation and justification of Presidential Election Campaign Fund Regulations (11 CFR 9001 *et seq.*) (Tentative)
Proposed changes in procedures for processing purchase orders, obligations, vendor invoices, and payments
Budget execution report for May 1983
Finance Committee Report
Routine Administrative matters

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Information Officer; telephone 202-523-4065.

Marjorie W. Emmons,
Secretary of the Commission.

[S-857-83 Filed 6-14-83; 12:55 pm]

BILLING CODE 6715-01-M

3

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Thursday, June 23, 1983.

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).

MATTERS TO BE CONSIDERED:

Information Disclosure Requirements in Connection with Conversions from the Mutual to the Stock Form of Organization, Filings Under the Securities Exchange Act of 1934, the Issuance of Mutual Capital Certificates, Debt Securities, and Retail Repurchase Agreements.

[No. 44, June 14, 1983]

[S-858-83 Filed 6-14-83; 2:32 pm]

BILLING CODE 6720-01-M

4

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., June 22, 1983.

PLACE: Hearing Room One, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Status of Agreement No. 10429 between Naviera Central, C.A. and Naviera Continental, S.A.
2. A. N. Deringer, Inc. and W. R. Filbin & Co., Inc.—Purchase and Sales Agreement and Related Covenants Not to Compete—Issue of Commission Jurisdition.
3. Agreement No. 10463: Sailing and Space Charter Agreement between Lineas Maritimas Paraguayas S.A. and Holland Pan-American Line.
4. Agreements Nos. 7540-38 and 7540-39: Modifications of the United States Atlantic and Gulf/Southeastern Caribbean Conference Agreement to clarify that the Conference has the authority to establish rules on demurrage and for other purposes.
5. Agreements Nos. 14-48, 5700-31, 10107-15 10108-10: Modifications, respectively, of the Trans Pacific Freight Conference (Hong Kong), New York Freight Bureau, and Agreements Nos. 10107 and 10108 to authorize payment of compensation to container freight station and container yard operations in Hong Kong and Tawain.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-861-83 Filed 6-14-83; 3:15 pm]

BILLING CODE 6730-01-M

5

NUCLEAR REGULATORY COMMISSION

DATE: Week of June 13, 1983 (Revised) and Week of June 20, 1983.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE DISCUSSED: *Wednesday, June 15:*

10:00 a.m.:
Discussion on Status of Staff Certification in TMI-1 Restart Proceeding (Public Meeting) (As Announced)

2:00 p.m.:
Briefing on Status of Midland Plant (Public meeting) (New Item)

Thursday, June 16:

2:00 p.m.:
Discussion of Management-Organization and Internal Personnel Matters (Closed—Exemptions 2 and 6) (As Announced)

Friday, June 17:

2:00 p.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule (Public Meeting) (Time Change)

Monday, June 20:

2:00 p.m.:
Briefing on Integrated Scheduling Concept—Duane-Arnold (Public Meeting)

Tuesday, June 21:

10:00 a.m.:
Discussion of TMI-1 Restart (Open/Closed to be Determined) (*Postponed* from June 16)

Wednesday, June 22:

10:00 a.m.:
Discussion of Regulatory Reform Task Force—Administrative Proposals—Revisions to Part 2 (Public Meeting)

2:00 p.m.:
Briefing on Prioritization of Generic Issues (Public Meeting)

ADDITIONAL INFORMATION: On June 9, 1983 the Commission voted 5-0 to hold Discussion and Vote on Indian Point Order, held on June 10.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Linda Stoloff (202) 634-1410.

Linda Stoloff,

Office of the Secretary.

[S-859-83 Filed 6-14-83; 3:14 pm]

BILLING CODE 7590-01-M

federal register

Thursday
June 16, 1983

Part II

Reader Aids

Federal Register Thesaurus of Indexing Terms

Federal Register Thesaurus of Indexing Terms

1 CFR 18.20 requires Federal agencies to identify major topics and categories of persons affected in their regulations in standard terms from the Federal Register Thesaurus of Indexing Terms. The Thesaurus was last published in the **Federal Register** of February 17, 1981 (46 FR 12618). A revised edition of the Thesaurus is published today for use by agencies and for public information.

Scope

The Federal Register Thesaurus is a basic indexing vocabulary for Federal regulations which are published in the **Federal Register** and the *Code of Federal Regulations*. It includes indexing terms to describe the specific program regulations of individual agencies as well as general administrative regulations common to all agencies. The indexing terms included are intended to express and organize the often technical regulatory concepts in research terms familiar to laypersons.

Use

The Office of the Federal Register uses the Thesaurus as the basis for the subject entries in the *Code of Federal Regulations* Index which is published annually as of January 1. Federal agencies also use the Thesaurus to prepare the "List of Subjects" which is included in rule and proposed rule documents submitted for publication in the **Federal Register**. The Office of the Federal Register selects terms from these agency-compiled subject lists to prepare the "Selected Subjects" which appears on the inside cover of the **Federal Register** daily.

Federal agencies and Office of the Federal Register staff members have suggested a number of additions and/or changes to the Thesaurus during the past two years. Some of these suggestions have been incorporated into this edition of the Thesaurus as indexing terms. Others have been added as cross-references to indexing terms. For the convenience of users a list of indexing terms added since the last printing of the Thesaurus appears below.

Adoption and foster care
Animal biologics
Animal welfare
Bank deposit insurance
Child support
Confidential business information
Countervailing duties
Disability benefits
Equal access to justice
Flood control
Food packaging
Fuel economy
Government publications
Hazardous substances
Hazardous waste
Homeworkers
Hostages
Indians-judgment funds
Indians-tribal government
Lobbying
Pension insurance
Plant diseases and pests
Real property acquisition
Reporting and recordkeeping requirements

Organization

There are two sections to the Thesaurus. The first is an alphabetic list of all indexing terms with a series of notations under each term to refer users to preferred or related terms. The second is a grouping of terms under 19 broad subject categories, allowing the user to determine quickly the existing Thesaurus terms for that broad subject.

Copies

Copies of the Thesaurus are available from the Office of the Federal Register, National Archives and Records Service, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Carol Mahoney, telephone (202) 523-5240.

Accidents
see Safety

Accountants (02, 13)
Accounting (02, 08)
sa Uniform System of Accounts
xx Business and industry

Acreage allotments (01)
xx Agricultural commodities

Additives
see Color additives
Food additives
Fuel additives

Adhesives
Adjustment assistance
see Trade adjustment assistance

Administrative practice and procedure (08)
(Use for hearing, appeal, petition, rulemaking, etc., procedures)
sa Claims
Environmental impact statements
Equal access to justice
Freedom of information
Privacy
Sunshine Act
x Appeal procedures
Ex parte communications
Hearing and appeal procedures
Practice and procedure
xx Law

Adoption and foster care (18)
x Foster care
xx Infants and children

Adult education (04)
x Continuing education
Extension and continuing education
xx Education

Advertising (02)
xx Business and industry

Advisory committees (08)
(Use for management of advisory committees within an agency)
x Committees

AFDC
see Aid to Families with Dependent Children

Affirmative action plans
see Equal employment opportunity

Aged (13)
sa Medicaid
Medicare
Public assistance programs
Supplemental Security Income (SSI)
x Discrimination against aged
Elderly
Senior citizens

Agricultural commodities (01)
(The names of specific agricultural commodities, e.g. Corn, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific commmodities*
Acreage allotments
Commodity futures
Crop insurance
Fruits
Grains
Marketing agreements
Marketing quotas
Nuts
Oilseeds
Price support programs
Surplus agricultural commodities
Vegetables
x Commodities
Crops
xx Agriculture

Agricultural research (01, 17)
xx Agriculture
Research

Agriculture (01)
sa Agricultural commodities
Agricultural research
Fertilizers
Food assistance programs
Foods
Forests and forest products
Irrigation
Migrant labor
Pesticides and pests
Range management
Rural areas
x Farmers

Aid to Families with Dependent Children (18)
sa Public assistance programs
Work Incentive Programs (WIN)
x AFDC
xx Child welfare
Infants and children
Public assistance programs
Social security

Air carriers (19)
(Organizations operating passenger or cargo carrying aircraft)
sa Air rates and fares
Air taxis
Charter flights
x Airlines
Foreign air carriers
Shipping
xx Air transportation
Common carriers

Air fares
see Air rates and fares

Air pollution control (06)
sa Motor vehicle pollution
x Clean Air Act
xx Environmental protection

Air rates and fares (19)
x Air fares
Air tariffs
Rates and fares
xx Air carriers
Air transportation

Air safety
see Aviation safety

Air tariffs
see Air rates and fares

Air taxis (19)
xx Air carriers
Air transportation

Air traffic control (19)
xx Air transportation

Air transportation (19)
sa Air carriers
Air rates and fares
Air taxis
Air traffic control
Aircraft
Airmen
Airports
Airspace
Aviation safety
Charter flights
Military air transportation
Navigation (air)
xx Transportation

Aircraft (19)
x Airplanes
Airworthiness directives and standards
Balloons
Helicopters
Kites
Parachutes
Rockets
Rotorcraft
Seaplanes
xx Air transportation

Aircraft pilots
see Airmen

Airlines
see Air carriers

Airmen (13, 19)
x Aircraft pilots
Pilots
xx Air transportation

Airplanes
see Aircraft

Airports (19)
x Heliports
xx Air transportation

Airspace (19)
x Airways
xx Air transportation

Airways
see Airspace

Airworthiness directives and standards
see Aircraft

Alaska natives
see Indians

Alcohol and alcoholic beverages (01)
sa Beer
Gasohol
Liquors
Wine
xx Beverages

Alcoholism (09)
xx Drug abuse

Alien property (07)
Aliens (07, 13)
sa Citizenship and naturalization
Immigration
Refugees
x Deportation
Foreign persons
xx Citizenship and naturalization
Immigration
Refugees

Alimony (12)
sa Child support

Amateur radio service
see Radio

American Indians
see Indians

Ammunition
see Arms and munitions

Anchorage grounds (19)
sa Harbors
x Water transportation
xx Vessels

Animal biologics (01, 09)
xx Animal drugs
Biologics

Animal diseases (01, 09)
x Diseases
xx Animals

Animal drugs (01, 09)
sa Animal biologics
xx Animal feeds
Animals
Drugs

Animal feeds (01)
sa Animal drugs
xx Animals

Animal foods (01)
xx Animals
Foods

Animal welfare (01)
x Humane treatment of animals
xx Animals

Animals (01)
sa Animal diseases
Animal drugs
Animal feeds
Animal foods
Animal welfare
Livestock
Pets
Wildlife

Annuities
see Pensions

Antennas
see Communications equipment

Antibiotics (09)
xx Drugs

Antidumping (02, 07)
(Prohibition on sales of imports at less than fair value)
xx Customs duties and inspection
Imports

Antiquities
see Historic preservation

Antitrust (02)
x Interlocking directorates
Management official interlocks
xx Business and industry

Appeal procedures
see Administrative practice and procedure

Appliances
see Household appliances

Apprenticeship programs
see Manpower training programs

Archaeology
see Historic preservation

Architects (13)
Architectural barriers
see Handicapped

Archives and records (08)
sa Classified information
x Historical records
Information
Records

Armed forces (14)
(Use for general regulations applicable to all services)
sa *Specific military departments*
Armed forces reserves
Conscientious objectors
Military academies
Military law
Military personnel
Selective service system
xx National defense

Armed forces reserves (14)
x National guard
Reserve forces
xx Armed forces
Military personnel

Arms and munitions (14)
x Ammunition
Firearms
Guns
Military arms sales
Munitions
Weapons
xx National defense

Arms control (07, 14)
x Disarmament
xx Foreign relations
National defense

Art (04)
Arts and crafts (04)
sa Indians–arts and crafts
x Crafts
Handicrafts

Asbestos
Asylum
see Immigration

Atomic energy
see Nuclear energy

Attorneys
see Lawyers

Authority delegations (Government agencies) (08)
sa Organization and functions (Government agencies)
xx Organization and functions (Government agencies)

Automatic data processing
see Computer technology

Automobiles
see Motor vehicles

Aviation safety (09, 19)
x Air safety
xx Air transportation
Safety

Awards
see Decorations, medals, awards

Baggage
see Freight

Bakery products (01)
x Bread
xx Foods

Balloons
see Aircraft

See refers to authorized terms; x refers from terms not used; sa refers to more specific or related terms; xx refers from broader or related terms
Number in parenthesis refer to subject category listings following alphabetical listing of terms

Bank deposit insurance (02)
x Deposit insurance
xx Banks, banking
Insurance

Bankruptcy (02)
xx Business and industry

Banks, banking (02)
sa Bank deposit insurance
Credit
Electronic funds transfers
Federal home loan banks
Federal reserve system
Foreign banking
National banks
Savings and loan associations
Trusts and trustees
x Checks
Finance
xx Credit

Barges
see Cargo vessels

Barrels
see Packaging and containers

Beaches
see Seashores

Beef
see Meat and meat products

Beer (01)
xx Alcohol and alcoholic beverages

Bees (01)
Beverages (01)
sa Alcohol and alcoholic beverages
Coffee
Fruit juices
Tea
Vegetable juices
xx Foods

Bicycles (16, 19)
Bilingual education (04)
xx Education

Biologics (09)
(Viruses, serums, toxins, etc., used in disease treatment)
sa Animal biologics
Blood
x Serums
Toxins
Vaccines
Viruses
xx Drugs

Birds
see Wildlife

Birth control
see Family planning

Black lung benefits (09)
x Pneumoconiosis
xx Health insurance
Lung diseases
Mine safety and health

Blind (09, 13)
sa Medicaid
Public assistance programs
Supplemental Security Income (SSI)
xx Handicapped

Blood (09)
xx Biologics

Blood diseases (09)
x Hemophilia

Boats and boating safety
see Marine safety
Navigation (water)

Bonding
see Surety bonds

Bonds (02)
x Savings bonds
xx Government securities
Securities

Borders
see International boundaries

Boycotts (07)
Bread
see Bakery products

Bridges (19)
x Drawbridges
xx Highways and roads
Transportation
Waterways

Broadcasting
see Radio
Television

Brokers (02, 13)
xx Investments

Buildings (10)
sa Federal buildings and facilities

Buses (19)
sa Motor carriers
Motor vehicles
x Charter buses
xx Motor carriers
Motor vehicles

Business and industry (02)
(The names of specific industries, e.g. Construction industry, are not listed in this Thesaurus but may be used as indexing terms. For a standard list of industry names we recommend using the *Standard Industrial Classification Manual.*)
sa *Specific industries*
Accounting
Advertising
Antitrust
Bankruptcy
Concessions
Confidential business information
Holding companies
Indians-business and finance
Labeling
Labor
Minority businesses
Packaging and containers
Relocation assistance
Small businesses
Taxes
Trade adjustment assistance
Trade names
Trade practices
Trademarks
Warranties
x Corporations
Industry

Butter (01)
sa Margarine

Cable television (03)
x Community antenna television systems
xx Television

Cacao products (01)
x Chocolate
Cocoa
xx Foods

Campaign funds (08)
x Election finance
xx Elections
Political candidates

Cancer (09)
Candy (01)
x Confectionery
xx Foods

Cargo
see Freight

Cargo vessels (19)
sa Maritime carriers
x Barges
Tank vessels
xx Maritime carriers
Vessels

Carpets and rugs
x Rugs

Carpools (19)
x Vanpools
xx Highways and roads
Motor vehicles

Cemeteries
x National cemeteries

Census data (08)
x Population census
xx Statistics

Cereals (commodity)
see Grains

Cereals (food) (01)
xx Foods

Chaplains (13)
Charter buses
see Buses

Charter flights (19)
xx Air carriers
Air transportation

Checks
see Banks, banking

Chemicals (01, 09)
(The names of specific chemicals are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific chemicals*
Drugs
Fertilizers
Hazardous substances
Pesticides and pests

Child abuse
see Child welfare

Child health
see Maternal and child health

Child labor (11, 13)
xx Child welfare
Labor

Child support (18)
xx Alimony
Child welfare

Child welfare (18)
sa Aid to Families with Dependent Children
Child labor
Child support
Day care
Maternal and child health
x Child abuse
xx Infants and children
Public assistance programs
Social security

Children
see Infants and children

Chocolate
see Cacao products

Cigars and cigarettes (01)
sa Smoking
xx Tobacco

Citizens band radio service
see Radio

Citizenship and naturalization (07)
sa Aliens
Immigration
x Nationality
Naturalization
Repatriation
xx Aliens
Foreign relations
Immigration

Citrus fruits (01)
sa *Specific fruits*
xx Fruits

Civil defense (14)
sa Disaster assistance
x Emergency mobilization
xx Disaster assistance
National defense

Civil disorders (12)
Civil rights (12)
sa Equal educational opportunity
Equal employment opportunity
Fair housing
Religious discrimination
Sex discrimination
Voting rights
x Discrimination
Minority groups
Nondiscrimination

Civil service system
see Government employees

Claims (12)
sa Foreign claims
Indians–claims
War claims
x Tort claims
xx Administrative practice and procedure

Classified information (14)
x Declassification
Information
Intelligence
National security information
Security information
xx Archives and records
National defense
Security measures

Clean Air Act
see Air pollution control

Clemency (12)
x Pardon

Clothing (02)
sa Footwear

Coal (05)
sa Coal conversion program
xx Energy
Mineral resources

Coal conversion program (05)
xx Coal

Coal miners
see Miners

Coal mines
see Mine safety and health
Mines
Surface mining
Underground mining

Coastal zone (15)
sa Continental shelf
Flood plains
Seashores
x Estuaries
Wetlands
xx Natural resources
Seashores

Cocoa
see Cacao products

Coffee (01)
xx Beverages

Coin operated machines
Coins
see Currency

Collective bargaining
see Labor management relations

Colleges and universities (04)
sa Medical and dental schools
Military academies
Student aid
x Community colleges
Higher education
Universities
xx Education
Schools

Color additives (01, 09)
x Additives
xx Food additives

Commercial fisheries
see Fisheries

Committees
see Advisory committees

Commodities
see Agricultural commodities

Commodity futures (01, 02)
xx Agricultural commodities
Investments

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Cultural exchange programs (04, 07)
x Exchange visitor program
xx Foreign relations

Currency (02)
sa Foreign currencies
Gold
Silver
x Coins
Finance
Foreign exchange
Money

Customs duties and inspection (02, 07)
sa Antidumping
Countervailing duties
Imports
x Tariffs
xx Foreign trade
Imports
Taxes

Dairy products (01)
(The names of specific dairy products, e.g. Cheese, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific dairy products*
xx Foods

Dams (15)
xx Flood control
Water supply

Dangerous cargo
see Hazardous materials transportation

Data processing
see Computer technology

Day care (18)
xx Child welfare

Deaf
see Handicapped

Debts
see Credit

Declassification
see Classified information

Decorations, medals, awards (08)
x Awards
Medals

Deepwater ports
see Harbors

Defense
see National defense

Defense acquisition regulations
see Government procurement

Defense communications (03, 14)
xx Communications
National defense

Defense contracts
see Government contracts
Government procurement

Deliquency
see Juvenile delinquency

Dental health (09)
xx Health

Dental schools
see Medical and dental schools

Deportation
see Aliens

Deposit insurance
see Bank deposit insurance

Desegregation in education
see Equal educational opportunity

Dietary foods (01)
xx Foods

Disability benefits (11)
(Use for insurance and retirement benefits provided for individuals unable to work)
sa Railroad retirement
Workers' compensation
x Disabled
xx Handicapped

Disabled
see Disability benefits
Handicapped
Medicaid
Medicare
Public assistance programs
Supplemental Security Income (SSI)

Disarmament
see Arms control

Disaster assistance (08)
sa Civil defense
Emergency medical services
x Drought assistance
Floods
xx Civil defense

Discrimination
see Civil rights

Discrimination against aged
see Aged

Discrimination against handicapped
see Handicapped

Discrimination in education
see Equal educational opportunity

Discrimination in employment
see Equal employment opportunity

Discrimination in housing
see Fair housing

Diseases
(The names of specific diseases, with some exceptions, are not listed in this Thesaurus but may be used as indexing terms.)
see *Specific diseases*
Animal diseases

Distilled spirits
see Liquors

Diving
Doctors
see Health professions

Domestic animals
see Livestock

Draft
see Selective service system

Drawbridges
see Bridges

Drinking water
see Water supply

Drought assistance
see Disaster assistance

Drug abuse (09)
sa Alcoholism
xx Crime
Health

Drug traffic control (12)
x Controlled substances
Narcotics
xx Law enforcement

Drugs (09)
(The names of specific drugs are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific drugs*
Animal drugs
Antibiotics
Biologics
Over-the-counter drugs
Prescription drugs
xx Chemicals
Health

Eavesdropping
see Wiretapping and electronic surveillance

Ecology
see Environmental protection

Economic development
see Community development

Economic statistics (02)
x Economics
xx Statistics

Economics
see Economic statistics
Price controls

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Food grades and standards (01)
sa Meat inspection
x Food inspection
xx Foods

Food ingredients
see Food additives

Food inspection
see Food grades and standards

Food labeling (01)
xx Foods
Labeling

Food packaging (01)
xx Foods
Packaging and containers

Food stamps (01, 18)
xx Food assistance programs

Foods (01)
(The names of specific foods are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific foods*
Animal foods
Bakery products
Beverages
Cacao products
Candy
Cereals (food)
Dairy products
Dietary foods
Food additives
Food assistance programs
Food grades and standards
Food labeling
Food packaging
Frozen foods
Fruits
Meat and meat products
Nutrition
Nuts
Oils and fats
Poultry and poultry products
Seafood
Spices and flavorings
Sugar
Vegetables
xx Agriculture
Nutrition

Footwear (02)
x Shoes
xx Clothing

Foreign aid (07)
xx Foreign relations

Foreign air carriers
see Air carriers

Foreign banking (02)
xx Banks, banking

Foreign claims (07, 12)
sa War claims
xx Claims
Foreign relations

Foreign currencies (02)
x Foreign exchange
xx Currency

Foreign exchange
see Currency
Foreign currencies

Foreign investments in U. S. (02)
xx Investments

Foreign officials (07, 13)
Foreign persons
see Aliens

Foreign relations (07)
sa *Specific countries*
Arms control
Citizenship and naturalization
Cultural exchange programs
Foreign aid
Foreign claims
Foreign Service
Foreign trade
Immigration
International boundaries
Passports and visas
Treaties

Foreign Service (07)
x Consular services
xx Foreign relations
Government employees

Foreign trade (02, 07)
sa Customs duties and inspection
Exports
Fairs and expositions
Imports
Maritime carriers
Trade adjustment assistance
Trade agreements
x International trade
xx Foreign relations

Foreign trade zones (02, 07)
Forests and forest products (01, 15)
sa National forests
x Lumber
Naval stores
Timber
Turpentine
Wood
xx Agriculture
Natural resources

Forfeitures
see Seizures and forfeitures

Forgery (12)
xx Crime

Foster care
see Adoption and foster care

Foundations (13)
Fraud (12)
xx Crime

Freedom of information (08)
sa Confidential business information
x Information
Records
xx Administrative practice and procedure

Freight (19)
sa Hazardous materials transportation
x Baggage
Cargo
xx Transportation

Freight forwarders (19)
x Shipping
xx Common carriers

Fringe benefits
see Employee benefit plans

Frozen foods (01)
xx Foods

Fruit juices (01)
xx Beverages

Fruits (01)
(The names of specific fruits, e.g. Apples, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific fruits*
Citrus fruits
xx Agricultural commodities
Foods

Fuel
see Energy

Fuel additives (05)
x Additives
Gasoline additives
xx Petroleum

Fuel economy (05)
xx Energy conservation
Gasoline
Motor vehicles

Furs
Gambling (12)
sa Lotteries

Garnishment of wages
see Wages

Gas exploration
see Oil and gas exploration

Gas reserves
see Oil and gas reserves

Gas utilities
see Natural gas

Gases (15)
sa Helium
Natural gas

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Number in parenthesis refer to subject category listings following alphabetical listing of terms

Gasohol (05)
xx Alcohol and alcoholic beverages
Gasoline

Gasoline (05)
sa Fuel economy
Gasohol
xx Petroleum

Gasoline additives
see Fuel additives

Generally Recognized as Safe (GRAS) food ingredients
see Food additives

Genetic diseases (09)
Geothermal energy (05)
xx Energy

Gift taxes (02)
xx Taxes

Gifts to Government
see Government property

Glass and glass products (02)
Gold (02)
xx Currency
Metals

Government buildings
see Federal buildings and facilities

Government contracts (08)
(Use for contracts for services in operating or researching specific government programs. Use Government procurement for contracting for supplies, equipment or related services.)
sa Government procurement
x Contracts
Defense contracts
National defense contracts
xx Government procurement

Government employees (08, 11, 13)
sa Conflict of interests
Foreign Service
Military personnel
Political activities (Government employees)
x Civil service system
Federal employees
xx Employment

Government in the Sunshine Act
see Sunshine Act

Government procurement (08)
(See note under Government contracts.)
sa Government contracts
x Defense acquisition regulations
Defense contracts
Federal procurement regulations
National defense contracts
Procurement
xx Government contracts

Government property (08)
sa Federal buildings and facilities
Government property management
Surplus Government property
x Gifts to Government

Government property management (08)
x Federal property management regulations
xx Government property

Government publications (08)
x Information
Publications

Government securities (02, 08)
sa Bonds
xx Securities

Grain sorghum (01)
Grains (01)
(The names of specific grains, e.g. Wheat, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific grains*
Feed grains
x Cereals (commodity)
xx Agricultural commodities

Grant programs (08)
(Use for programs involving financial aid without repayment by the Federal Government. Divide by the following categories to indicate broad subject area of grant: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Indians, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation, Veterans, e.g. Grant programs-agriculture)
x Cooperative agreements
Federal aid programs
Subsidies
xx Intergovernmental relations

Grants administration (08)
Grazing lands (15)
x Land
xx Public lands

Guaranteed loans
see Loan programs

Guarantees
see Warranties

Guns
see Arms and munitions

Handicapped (09, 13)
sa Blind
Disability benefits
Education of handicapped
Medicaid
Medicare
Public assistance programs
Supplemental Security Income (SSI)
Vocational rehabilitation
x Architectural barriers
Deaf
Disabled
Discrimination against handicapped
Physically handicapped
xx Health

Handicrafts
see Arts and crafts

Hansen's disease
see Leprosy (Hansen's disease)

Harbors (19)
x Deepwater ports
Ports
Water transportation
Waterfront facilities
xx Anchorage grounds
Waterways

Hatch Act
see Political activities (Government employees)

Hazardous materials transportation (19)
sa Pipeline safety
x Dangerous cargo
xx Explosives
Freight
Hazardous substances

Hazardous substances (09)
sa Explosives
Flammable materials
Hazardous materials transportation
Hazardous waste
Poison prevention
Radioactive materials
x Toxic substances
xx Chemicals
Explosives
Safety

Hazardous waste (09)
x Radioactive waste
xx Hazardous substances
Waste treatment and disposal

Head Start Program
see Education of disadvantaged

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Indemnity payments (08)
x Compensation
Federal aid programs

Indians (13)
sa Indians–arts and crafts
Indians–business and finance
Indians–claims
Indians–education
Indians–enrollment
Indians–judgment funds
Indians–lands
Indians–law
Indians–tribal government
x Alaska natives
American Indians
Eskimos
Native Americans

Indians–arts and crafts (04)
xx Arts and crafts
Indians

Indians–business and finance (02)
x Finance
xx Business and industry
Indians

Indians–claims (12)
xx Claims
Indians

Indians–education (04)
xx Education
Indians

Indians–enrollment (12)
xx Indians

Indians–judgment funds (12)
xx Indians

Indians–lands (15)
x Land
xx Indians

Indians–law (12)
xx Indians
Law

Indians–tribal government (12)
xx Indians

Industrial safety
see Occupational safety and health

Industry
see Business and industry

Infants and children (13)
sa Adoption and foster care
Aid to Families with Dependent Children
Child welfare
Youth
x Children
xx Youth

Information
see Archives and records
Classified information
Confidential business information
Freedom of information
Government publications
Privacy
Reporting and recordkeeping requirements
Sunshine Act

Inland waters
see Waterways

Insecticides
see Pesticides and pests

Insignia
see Seals and insignia

Insulation
Insurance (02)
sa Bank deposit insurance
Crime insurance
Crop insurance
Flood insurance
Health insurance
Insurance companies
Life insurance
Mortgage insurance
Pension insurance
Surety bonds
Unemployment compensation
War risk insurance
Workers' compensation

Insurance companies (02)
xx Insurance

Insured loans
see Loan programs

Intelligence
see Classified information

Interest equalization tax (02)
xx Taxes

Intergovernmental relations (08)
sa Grant programs
Revenue sharing
x Federal–State relations
State–Federal relations

Interlocking directorates
see Antitrust

Intermodal transportation (19)
xx Transportation

International agreements
see Treaties

International boundaries (07)
x Borders
xx Foreign relations

International expositions
see Fairs and expositions

International organizations (07)
International trade
see Foreign trade

Inventions and patents (17)
x Patents

Investigations (08, 12)
Investment advisers
see Securities

Investment companies (02)
xx Investments

Investments (02)
sa Brokers
Commodity futures
Foreign investments in U. S.
Investment companies
Securities
United States investments abroad
x Finance

Irrigation (01)
xx Agriculture
Water supply

Jewelry
see Watches and jewelry

Job Corps (11)
Job Training Partnership Act
see Manpower training programs

Jukeboxes
Juvenile delinquency (12)
x Delinquency
xx Crime
Youth

Kidney diseases (09)
x Renal diseases

Kites
see Aircraft

Labeling (02)
sa Food labeling
Packaging and containers
xx Business and industry
Consumer protection
Packaging and containers

Labor (11)
sa Child labor
Employee benefit plans
Employment
Equal employment opportunity
Homeworkers
Labor management relations
Manpower
Migrant labor
Occupational safety and health
Retirement
Unemployment compensation
Wages
xx Business and industry

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Number in parenthesis refer to subject category listings following alphabetical listing of terms

Labor management relations (11)
sa Labor unions
x Collective bargaining
Employee management relations
xx Labor

Labor unions (11)
x Trade unions
Unions
xx Labor management relations

Laboratories (17)
Land
see Grazing lands
Indians–lands
Public lands
Rights–of–way

Land sales (10)
sa Public lands–sale

Lasers (17)
xx Scientific equipment

Law (12)
sa Administrative practice and procedure
Courts
Indians–law
Lawyers

Law enforcement (12)
sa Drug traffic control
Wiretapping and electronic surveillance

Law enforcement officers (12, 13)
x Police

Lawyers (12, 13)
sa Legal services
x Attorneys
xx Law

Lead poisoning (09)
x Paint
xx Poison prevention

Legal services (12)
xx Lawyers

Leprosy (Hansen's disease) (09)
x Hansen's disease

Libraries (04)
xx Education

Life insurance (02)
xx Insurance

Linseeds
see Oilseeds

Liquors (01)
x Distilled spirits
xx Alcohol and alcoholic beverages

Livestock (01)
(The names of specific animals, e.g. Cattle, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific animals*
Meat and meat products
Meat inspection
x Domestic animals
xx Animals

Loan programs (02, 08)
(Use for Federal Government loan and loan guaranty programs. Divide by the following categories to indicate broad subject area of loan: Agriculture, Business, Communications, Education, Energy, Environmental protection, Foreign relations, Health, Housing and community development, Indians, Labor, Law, National defense, Natural resources, Recreation, Science and technology, Social programs, Transportation, Veterans, e.g. Loan programs–labor)
x Federal aid programs
Finance
Guaranteed loans
Insured loans

Lobbying (08)
Longshoremen (13, 19)
Lotteries (12)
xx Gambling

Low and moderate income housing (10)
sa Public housing
Rent subsidies
xx Housing
Public housing

Lumber
see Forests and forest products

Lung diseases (09)
sa Black lung benefits
Tuberculosis
x Respiratory and pulmonary diseases

Magazines
see Newspapers and magazines

Mail
see Postal Service

Management official interlocks
see Antitrust

Manpower (11)
sa Manpower training programs
xx Employment
Labor

Manpower training programs (11)
(Use for occupational or on–the–job training, distinguished from vocational education within a school curriculum)
sa Vocational education
Work Incentive Programs (WIN)
x Apprenticeship programs
Comprehensive Employment and Training Act
Job Training Partnership Act
Occupational training
Training programs
Unemployment
xx Manpower
Vocational education

Manufactured homes
see Mobile homes

Margarine (01)
x Oleomargarine
xx Butter

Marine engineering
see Vessels

Marine mammals (15)
x Seals
Whales

Marine pollution
see Water pollution control

Marine resources (15)
sa Fisheries
x Ocean resources
xx Natural resources

Marine safety (09, 19)
sa Vessels
x Boats and boating safety
Water transportation
xx Safety
Vessels

Marital status discrimination (12)
Maritime carriers (19)
(Organizations operating passenger or cargo carrying vessels)
sa Cargo vessels
Passenger vessels
Seamen
Vessels
x Merchant marine
Rates and fares
Shipping
Water carriers
Water transportation
xx Cargo vessels
Common carriers
Foreign trade
Passenger vessels
Vessels

Marketing agreements (01)
sa Milk marketing orders
xx Agricultural commodities

Marketing quotas (01)
xx Agricultural commodities

Mass transportation (19)
xx Transportation

Maternal and child health (09)
x Child health
Family health
xx Child welfare
Health

Measurement standards (17)
sa Metric system
x Weights and measures

Meat and meat products (01)
sa Meat inspection
Stockyards
x Beef
xx Foods
Livestock

Meat inspection (01)
xx Food grades and standards
Livestock
Meat and meat products
Public health

Medals
see Decorations, medals, awards

Medicaid (09, 18)
sa Professional Standards Review Organizations (PSRO)
Public assistance programs
x Disabled
Medical assistance program
xx Aged
Blind
Handicapped
Health care
Public assistance programs
Social security

Medical and dental schools (04, 09)
x Dental schools
Nursing schools
xx Colleges and universities
Health

Medical assistance program
see Medicaid

Medical care
see Health care

Medical devices (09)
x Prosthetic devices
xx Health
Scientific equipment

Medical facilities
see Health facilities

Medical personnel
see Health professions

Medical records
see Health records

Medical research (09, 17)
xx Health
Research

Medicare (09)
sa Professional Standards Review Organizations (PSRO)
x Disabled
Health insurance for aged
xx Aged
Handicapped
Health care
Health insurance
Social security

Memorials
see Monuments and memorials

Mental health programs (09)
xx Health

Merchant marine
see Maritime carriers
Seamen

Metals (15)
(The names of specific metals, e.g. Copper, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific metals*
xx Mineral resources

Metric system (17)
xx Measurement standards

Micrographics (17)
Migrant labor (01, 11, 13)
xx Agriculture
Labor

Migratory birds
see Wildlife

Military academies (04, 14)
xx Armed forces
Colleges and universities

Military air transportation (14, 19)
xx Air transportation
National defense

Military arms sales
see Arms and munitions

Military installations
see Federal buildings and facilities

Military law (12, 14)
x Uniform Code of Military Justice
xx Armed forces

Military personnel (13, 14)
sa Armed forces reserves
xx Armed forces
Government employees

Milk (01)
sa Milk marketing orders

Milk marketing orders (01)
xx Marketing agreements
Milk

Mine safety and health (09)
sa Black lung benefits
x Coal mines
xx Miners
Mines
Occupational safety and health
Safety
Surface mining
Underground mining

Mineral resources (15)
sa Coal
Metals
Oil and gas reserves
Public lands–mineral resources
xx Natural resources

Mineral royalties (15)
x Royalties

Miners (13)
sa Mine safety and health
x Coal miners
xx Mines

Mines (15)
sa Mine safety and health
Miners
Surface mining
Underground mining
x Coal mines
xx Reclamation

Minimum wages (11)
xx Wages

Minority businesses (02)
x Minority groups
xx Business and industry
Small businesses
Women

Minority groups
see Civil rights
Minority businesses

Mobile homes (10)
x Manufactured homes
xx Housing

Mobile offshore drilling units
see Vessels

Money
see Currency

Monuments and memorials (15)
x Memorials
xx Historic preservation

Mortgage insurance (02, 10)
xx Housing
Insurance
Mortgages

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Space transportation and exploration (17, 19)
xx Satellites
Transportation

Spices and flavorings (01)
x Flavorings
xx Foods

Sport fishing
see Fishing

Stamp taxes
see Excise taxes

State–Federal relations
see Intergovernmental relations

Statistics (08)
sa Census data
Economic statistics
Health statistics

Sterilization
see Family planning

Stockpiling
see Strategic and critical materials

Stocks
see Securities

Stockyards (01)
xx Meat and meat products

Strategic and critical materials (14)
x Stockpiling
xx National defense

Strip mining
see Surface mining

Student aid (04)
sa Scholarships and fellowships
xx Colleges and universities
Education

Students (04, 13)
xx Education

Subsidies
see Grant programs
Rent subsidies

Sugar (01)
x Sirup
Syrup
xx Foods

Sunshine Act (08)
x Government in the Sunshine Act
Information
Public meetings
xx Administrative practice and procedure

Supplemental Security Income (SSI) (18)
(Assistance to aged, blind and disabled)
x Disabled
xx Aged
Blind
Handicapped
Public assistance programs
Social Security

Surety bonds (02)
x Bonding
xx Insurance

Surface mining (15)
sa Mine safety and health
x Coal mines
Strip mining
xx Mines
Reclamation

Surplus agricultural commodities (01)
xx Agricultural commodities

Surplus Government property (08)
xx Government property

Swine
see Hogs

Symbols
see Seals and insignia
Signs and symbols

Syrup
see Sugar

Tank vessels
see Cargo vessels

Tariffs
see Customs duties and inspection

Tax treaties (02, 07)
xx Income taxes
Taxes
Treaties

Taxes (02)
sa Customs duties and inspection
Employment taxes
Estate taxes
Excise taxes
Gift taxes
Income taxes
Interest equalization tax
Tax treaties
xx Business and industry

Tea (01)
xx Beverages

Teachers (04, 13)
xx Education

Technical assistance (08)
x Federal aid programs

Technical education
see Vocational education

Technology
see Science and technology

Telecommunications (03)
sa Radio
Satellites
Telegraph
Telephone
Television
xx Communications

Telegraph (03)
xx Telecommunications

Telephone (03)
xx Telecommunications

Television (03)
sa Cable television
x Broadcasting
xx News media
Telecommunications

Textiles (02)
x Fabrics

Timber
see Forests and forest products

Time (08)

Tires
xx Rubber and rubber products

Tobacco (01)
sa Cigars and cigarettes

Toiletries
see Cosmetics

Tort claims
see Claims

Tourist trade
see Travel

Toxic substances
see Hazardous substances
Poison prevention

Toxins
see Biologics

Toys

Trade adjustment assistance (02, 07)
(Aid to domestic industries or workers injured by competition from imported products)
x Adjustment assistance
xx Business and industry
Foreign trade
Imports

Trade agreements (02, 07)
xx Foreign trade
Treaties

Trade fairs
see Fairs and expositions

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Trade names (02)
xx Business and industry

Trade practices (02)
xx Business and industry
Consumer protection

Trade unions
see Labor unions

Trademarks (02)
xx Business and industry
Signs and symbols

Traffic regulations (19)
x Off-road vehicles
xx Motor vehicles

Trails
see National trails system

Training programs
see Manpower training programs

Transportation (19)
sa Air transportation
Bridges
Common carriers
Freight
Highways and roads
Intermodal transportation
Mass transportation
Noise control
Pipelines
Railroads
Space transportation and exploration
Vessels

Travel (19)
sa Passports and visas
Travel and transportation expenses
Travel restrictions
x Tourist trade

Travel and transportation expenses (19)
xx Travel

Travel restrictions (19)
xx Travel

Treaties (07)
sa Tax treaties
Trade agreements
x International agreements
xx Foreign relations

Trucks
see Motor carriers
Motor vehicles

Trusts and trustees (02)
x Finance
xx Banks, banking

Truth in lending (02)
xx Consumer protection
Credit

Tuberculosis (09)
xx Lung diseases

Tung nuts
see Oilseeds

Turpentine
see Forests and forest products

Underground mining (15)
sa Mine safety and health
x Coal mines
xx Mines

Unemployment
see Community development
Manpower training programs
Unemployment compensation

Unemployment compensation (11)
sa Railroad unemployment insurance
x Compensation
Unemployment
xx Insurance
Labor
Social security

Uniform Code of Military Justice
see Military law

Uniform System of Accounts (02, 08)
(Use for uniform financial reporting requirements for common carriers.)
xx Accounting

Unions
see Labor unions

United States investments abroad (02)
x Overseas private investment
xx Investments

Universities
see Colleges and universities

Upward Bound Program
see Education of disadvantaged

Uranium

Urban renewal (10)
sa Community development
x Slum clearance
xx Community development

Utilities (02, 05, 15)
sa Electric utilities
Natural gas
Water supply
x Public utilities

Vaccines
see Biologics

Vanpools
see Carpools

Vegetable juices (01)
xx Beverages

Vegetables (01)
(The names of specific vegetables, e.g. Potatoes, are not listed in this Thesaurus but may be used as indexing terms.)
sa *Specific vegetables*
xx Agricultural commodities
Foods

Venereal diseases (09)

Vessels (19)
sa Anchorage grounds
Cargo vessels
Fishing vessels
Marine safety
Maritime carriers
Navigation (water)
Nuclear vessels
Oceanographic research vessels
Oil pollution
Passenger vessels
x Marine engineering
Mobile offshore drilling units
Ships
Water transportation
xx Marine safety
Maritime carriers
Transportation

Veterans (13, 14)

Veterinarians (01, 13)
xx Health professions

Viruses
see Biologics

Visas
see Passports and visas

Vocational education (04)
(Use for vocational instruction within a school curriculum. Distinguish from manpower training programs for on-the-job training)
sa Manpower training programs
x Occupational training
Technical education
xx Education
Manpower training programs

Vocational rehabilitation (18)
(Training of the handicapped for employment)
xx Handicapped

Voluntary standards (02)

Volunteers (13)

Voting rights (08, 12)
xx Civil rights
Elections

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Number in parenthesis refer to subject category listings following alphabetical listing of terms

01

AGRICULTURE AND FOOD

Acreage allotments
Agricultural commodities
Agricultural research
Agriculture
Alcohol and alcoholic beverages
Animal biologics
Animal diseases
Animal drugs
Animal feeds
Animal foods
Animal welfare
Animals
Bakery products
Beer
Bees
Beverages
Butter
Cacao products
Candy
Cereals (food)
Chemicals
Cigars and cigarettes
Citrus fruits
Coffee
Color additives
Commodity futures
Cottonseeds
Crop insurance
Dairy products
Dietary foods
Feed grains
Fertilizers
Food additives
Food assistance programs
Food grades and standards
Food labeling
Food packaging
Food stamps
Foods
Forests and forest products
Frozen foods
Fruit juices
Fruits
Grain sorghum
Grains
Hogs
Irrigation
Liquors
Livestock
Margarine
Marketing agreements
Marketing quotas
Meat and meat products
Meat inspection
Migrant labor
Milk
Milk marketing orders
Nursery stock
Nuts
Oils and fats
Oilseeds
Pesticides and pests
Pets
Plant diseases and pests
Plants (agriculture)
Poultry and poultry products
Price support programs
Range management
Rural areas
School breakfast and lunch programs
Seafood
Seeds
Soil conservation
Spices and flavorings
Stockyards
Sugar
Surplus agricultural commodities
Tea
Tobacco
Vegetable juices
Vegetables
Veterinarians
Wine

02

COMMERCE

Accountants
Accounting
Advertising
Antidumping
Antitrust
Bank deposit insurance
Bankruptcy
Banks, banking
Bonds
Brokers
Business and industry
Clothing
Commodity futures
Common carriers
Communications common carriers
Concessions
Confidential business information
Consumer protection
Countervailing duties
Credit
Credit unions
Crime insurance
Crop insurance
Currency
Customs duties and inspection
Economic statistics
Electronic funds transfers
Employment taxes
Estate taxes
Estates
Excise taxes
Exports
Fairs and expositions
Federal home loan banks
Federal Reserve System
Flood insurance
Footwear
Foreign banking
Foreign currencies
Foreign investments in U. S.
Foreign trade
Foreign trade zones
Gift taxes
Glass and glass products
Gold
Government securities
Health insurance
Holding companies
Household appliances
Imports
Income taxes
Indians–business and finance
Insurance
Insurance companies
Interest equalization tax
Investment companies
Investments
Labeling
Life insurance
Loan programs
Minority businesses
Mortgage insurance
Mortgages
National banks
Oil imports
Packaging and containers
Petroleum price regulations
Plastics materials and synthetics
Price controls
Revenue sharing
Rubber and rubber products
Savings and loan associations
Securities
Silver
Small businesses
Surety bonds
Tax treaties
Taxes
Textiles
Trade adjustment assistance
Trade agreements
Trade names
Trade practices
Trademarks
Trusts and trustees
Truth in lending
Uniform System of Accounts
United States investments abroad
Utilities
Voluntary standards
War risk insurance
Warehouses
Warranties

03

COMMUNICATIONS

Cable television
Communications
Communications common carriers
Communications equipment
Defense communications
Motion pictures
News media
Newspapers and magazines
Postal Service
Radio
Recordings
Signs and symbols
Telecommunications
Telegraph
Telephone
Television

04

EDUCATION

Adult education
Art
Arts and crafts
Bilingual education
Colleges and universities
Cultural exchange programs
Education
Education of disadvantaged
Education of handicapped
Educational facilities
Educational research
Educational study programs
Elementary and secondary education
Equal educational opportunity

Indians–arts and crafts
Indians–education
Libraries
Medical and dental schools
Military academies
Museums
Music
Private schools
Scholarships and fellowships
School breakfast and lunch programs
School construction
Schools
Student aid
Students
Teachers
Vocational education

05

ENERGY

Coal
Coal conversion program
Electric power
Electric power plants
Electric power rates
Electric utilities
Energy
Energy conservation
Fuel additives
Fuel economy
Gasohol
Gasoline
Geothermal energy
Natural gas
Nuclear energy
Nuclear materials
Nuclear power plants and reactors
Oil and gas exploration
Oil and gas reserves
Oil imports
Petroleum
Petroleum allocation
Petroleum price regulations
Pipelines
Solar energy
Utilities

06

ENVIRONMENTAL PROTECTION

Air pollution control
Environmental impact statements
Environmental protection
Motor vehicle pollution
Noise control
Oil pollution
Pesticides and pests
Recycling
Sewage disposal
Waste treatment and disposal
Water pollution control

07

FOREIGN RELATIONS

Alien property
Aliens
Antidumping
Arms control
Boycotts
Citizenship and naturalization
Communist countries
Countervailing duties
Cultural exchange programs
Customs duties and inspection
Exports
Fairs and expositions
Foreign aid
Foreign claims
Foreign officials
Foreign relations
Foreign Service
Foreign trade
Foreign trade zones
Immigration
Imports
International boundaries
International organizations
Oil imports
Passports and visas
Refugees
Tax treaties
Trade adjustment assistance
Trade agreements
Treaties
War claims

08

GOVERNMENT

Accounting
Administrative practice and procedure
Advisory committees
Archives and records
Authority delegations (Government agencies)
Campaign funds
Census data
Conflict of interests
Decorations, medals, awards
Disaster assistance
Elections
Emergency powers
Equal access to justice
Executive orders
Federal buildings and facilities
Federally affected areas
Flags
Freedom of information
Government contracts
Government employees
Government procurement
Government property
Government property management
Government publications
Government securities
Grant programs
Grants administration
Holidays
Indemnity payments
Intergovernmental relations
Investigations
Loan programs
Lobbying
Organization and functions (Government agencies)
Political activities (Government employees)
Political candidates
Political committees and parties
Presidential documents
Privacy
Proclamations
Reporting and recordkeeping requirements
Revenue sharing
Seals and insignia
Security measures
Statistics
Sunshine Act
Surplus government property
Technical assistance
Time
Uniform System of Accounts
Voting rights

09

HEALTH AND SAFETY

Alcoholism
Animal biologics
Animal diseases
Animal drugs
Antibiotics
Aviation safety
Biologics
Black lung benefits
Blind
Blood
Blood diseases
Cancer
Chemicals
Color additives
Communicable diseases
Cosmetics
Dental health
Drug abuse
Drugs
Emergency medical services
Explosives
Family planning
Fire prevention
Flammable materials
Genetic diseases
Handicapped
Hazardous substances
Hazardous waste
Health
Health care
Health facilities
Health insurance
Health maintenance organizations (HMO)
Health planning
Health professions
Health records
Health statistics
Heart diseases
Highway safety
Hospitals
Immunization
Kidney diseases
Lead poisoning
Leprosy (Hansen's disease)
Lung diseases
Marine safety
Maternal and child health
Medicaid
Medical and dental schools
Medical devices
Medical research
Medicare
Mental health programs
Mine safety and health
Motor vehicle safety
Nursing homes
Nutrition
Occupational safety and health
Over-the-counter drugs
Pipeline safety
Poison prevention
Prescription drugs

Professional Standards Review Organizations (PSRO)
Public health
Quarantine
Radiation protection
Radioactive materials
Railroad safety
Safety
Smoking
Tuberculosis
Venereal diseases
Veterinarians

10

HOUSING AND COMMUNITY DEVELOPMENT

Buildings
Community development
Community development block grants
Community facilities
Condominiums
Fair housing
Home improvement
Housing
Housing standards
Land sales
Low and moderate income housing
Mobile homes
Mortgage insurance
Mortgages
New communities
Public housing
Real property acquisition
Relocation assistance
Rent subsidies
Urban renewal
Zoning

11

LABOR

Child labor
Disability benefits
Employee benefit plans
Employment
Equal employment opportunity
Government employees
Homeworkers
Job Corps
Labor
Labor management relations
Labor unions
Manpower
Manpower training programs
Migrant labor
Minimum wages
Occupational safety and health
Old-age, Survivors and Disability Insurance
Pension insurance
Pensions
Railroad retirement
Railroad unemployment insurance
Retirement
Social security
Unemployment compensation
Wages
Work Incentive Programs (WIN)
Workers' compensation

12

LAW

Alimony
Civil disorders
Civil rights
Claims
Clemency
Copyright
Counterfeiting
Courts
Crime
Drug traffic control
Equal educational opportunity
Equal employment opportunity
Fair housing
Federal Prison Industries
Foreign claims
Forgery
Fraud
Gambling
Indians–claims
Indians–enrollment
Indians–judgment funds
Indians–law
Indians–tribal government
Investigations
Juvenile delinquency
Law
Law enforcement
Law enforcement officers
Lawyers
Legal services
Lotteries
Marital status discrimination
Military law
Penalties
Political affiliation discrimination
Prisoners
Prisons
Privacy
Probation and parole
Religious discrimination
Rights-of-way
Search warrants
Seizures and forfeitures
Sex discrimination
Voting rights
War claims
Wiretapping and electronic surveillance

13

NAMED GROUPS

Accountants
Aged
Airmen
Aliens
Architects
Blind
Brokers
Chaplains
Child labor
Conscientious objectors
Consultants
Engineers
Firefighters
Foreign officials
Foundations
Government employees
Handicapped
Health professions
Homeworkers
Indians
Infants and children
Law enforcement officers
Lawyers
Longshoremen
Migrant labor
Military personnel
Miners
Nonprofit organizations
Prisoners
Prisoners of war
Railroad employees
Refugees
Scientists
Seamen
Students
Teachers
Veterans
Veterinarians
Volunteers
Women
Youth

14

NATIONAL DEFENSE

Armed forces
Armed forces reserves
Arms and munitions
Arms control
Civil defense
Classified information
Conscientious objectors
Defense communications
Emergency powers
Fallout shelters
Military academies
Military air transportation
Military law
Military personnel
National defense
Prisoners of war
Selective service system
Strategic and critical materials
Veterans

15

NATURAL RESOURCES

Coastal zone
Continental shelf
Dams
Endangered and threatened wildlife
Fish
Fisheries
Flood control
Flood plains
Forests and forest products
Gases
Grazing lands
Helium
Historic preservation
Homesteads
Indians–lands
Marine mammals
Marine resources
Metals
Mineral resources
Mineral royalties
Mines
Monuments and memorials
National forests

National parks
Natural resources
Oil and gas reserves
Public lands
Public lands-classification
Public lands-grants
Public lands-mineral resources
Public lands-rights-of-way
Public lands-sale
Public lands-withdrawal
Reclamation
Reservoirs
Soil conservation
Surface mining
Underground mining
Utilities
Water bank program
Water resources
Water supply
Watersheds
Wildlife
Wildlife refuges

16

RECREATION

Bicycles
Fishing
Hobbies
Hunting
National trails system
National wild and scenic rivers system
Recreation and recreation areas
Rivers
Seashores
Wilderness areas

17

SCIENCE AND TECHNOLOGY

Agricultural research
Computer technology
Educational research
Electronic products
Inventions and patents
Laboratories
Lasers
Measurement standards
Medical research
Metric system
Micrographics
Research
Satellites
Science and technology
Scientific equipment
Scientists
Space transportation and exploration
Weather
X-rays

18

SOCIAL PROGRAMS

Adoption and foster care
Aid to Families with Dependent Children
Child support
Child welfare
Community action programs
Day care
Family planning
Food assistance programs
Food stamps
Medicaid
Old-age, Survivors and Disability Insurance
Public assistance programs
School breakfast and lunch programs
Social security
Supplemental Security Income (SSI)
Vocational rehabilitation

19

TRANSPORTATION

Air carriers
Air rates and fares
Air taxis
Air traffic control
Air transportation
Aircraft
Airmen
Airports
Airspace
Anchorage grounds
Aviation safety
Bicycles
Bridges
Buses
Cargo vessels
Carpools
Charter flights
Common carriers
Fishing vessels
Freight
Freight forwarders
Harbors
Hazardous materials transportation
Highway safety
Highways and roads
Intermodal transportation
Longshoremen
Marine safety
Maritime carriers
Mass transportation
Military air transportation
Motor carriers
Motor vehicle pollution
Motor vehicle safety
Motor vehicles
Moving of household goods
Navigation (air)
Navigation (water)
Noise control
Nuclear vessels
Oceanographic research vessels
Parking
Passenger vessels
Passports and visas
Pipeline safety
Pipelines
Railroad employees
Railroad safety
Railroads
Rivers
Seamen
Space transportation and exploration
Traffic regulations
Transportation
Travel
Travel and transportation expenses
Travel restrictions
Vessels
Waterways

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June 16, 1983

Part III

Department of Transportation

Research and Special Programs Administration

Cryogenic Liquids; Final Rule

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 171, 172, 173, 174, 176, 177, 178, and 179

[Docket No. HM-115, Amdt. Nos. 171-74, 172-82, 173-166, 174-43, 176-17, 177-60, 178-77, 179-32]

Cryogenic Liquids

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This rule amends the Hazardous Materials Regulations to establish requirements for the transportation of certain cryogenic liquids and also to authorize the transportation of certain gases that are transported in cold liquid form.

Included in the final rule are provisions—

(1) To provide a new DOT specification cargo tank for the transportation of cryogenic liquids;

(2) To authorize the rail carriage of ethylene, cryogenic liquid in addition to hydrogen, cryogenic liquid;

(3) To establish requirements governing the maintenance and use of packagings used to transport these liquids;

(4) To establish minimum requirements for the transportation of nonflammable, nonpressurized cryogenic liquids that until now were not generally subject to the Hazardous Materials Regulations;

(5) To authorize the bulk transportation of ethane and hydrogen chloride in cold liquid form; and

(6) For flammable cryogenic liquids—

(i) To expand the scope of the regulations to apply to the intrastate as well as the interstate transportation of these materials; and

(ii) To require DOT registration of shippers and carriers and the specific training of drivers.

This rule will alleviate the difficulties engendered under the exemption program and the standardization achieved by issuing these rules will contribute to improved overall safety in the transportation of these materials.

EFFECTIVE DATE: January 1, 1984. However, compliance with the regulations as amended herein is authorized on and after September 15, 1983.

For the purpose of this final rule, the 30 day limitation for the receipt of a petition for reconsideration (49 CFR 106.35) is hereby waived and 90 days provided in place thereof. Petitions for reconsideration will be received on or before September 14, 1983.

The incorporation by reference of certain publications listed in the regulation is approved by the Director of the Federal Register as of January 1, 1984.

FOR FURTHER INFORMATION CONTACT: Jose Pena, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590, (202) 755-4906. Office hours are 8:30 to 5:00 p.m., Monday through Friday

SUPPLEMENTARY INFORMATION: Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned the following numbers: OMB #2137-0541 (Shipper's or Carrier's Registration Statements, §§ 173.11 and 177.826), OMB #2137-0542 (Cargo Tank Pressure and Temperature Records, § 177.840), OMB #2137-0539 (Special Instructions for Cryogenic Liquids, § 177.818), OMB #2137-0540 (Flammable Cryogenic Training Records, § 177.816), and OMB #2137-0017 (Cargo Tank Certification Record Requirements, §§ 178.338-2, 178.338-4, 178.338-19).

This rulemaking has a long history. Prior to today's publication the following notices have been published in the **Federal Register**, and a public hearing held, with regard to Docket HM-115:

(1) On March 1, 1974, the Hazardous Materials Regulations Board, MTB's predecessor, published a Notice of Proposed Rulemaking (NPRM) (39 FR 7950).

(2) On June 19, 1974, the Board extended the comment period (39 FR 21166).

(3) On September 10, 1974, the Board converted the NPRM into an Advance Notice Of Proposed Rulemaking (ANPRM) and further extended the comment period (39 FR 32624).

(4) On March 8, 1979, MTB published a NPRM which, while in general terms continuing the regulatory scheme proposed in the 1974 ANPRM, made significant changes in several areas. Readers who wish more information on these changes are referred to the preamble discussion in the NPRM (44 FR 12826). This notice also announced a public hearing.

(5) On April 5, 1979, corrections and changes were made to the NPRM (44 FR 20461).

(6) On April 17, 1979, MTB held a public hearing on the NPRM.

(7) On June 21, 1979, additional changes were made in the NPRM and the deadline for filing comments was extended (44 FR 36211).

The purpose of this rulemaking is discussed in the March 8, 1979 preamble. Briefly, some of the transportation subject to this rule has historically been permitted only under an exemption (called in years past a special permit). This exemption program, provided for in § 107(a) of the Hazardous Materials Transportation Act (49 U.S.C. 1806(a)), has required those wishing to transport these commodities to come to MTB for specific approval of the packaging (and how the packaging is to be maintained), the hazardous materials to be transported in the packaging and the conditions of transportation. Exemptions create burdens on shippers, carriers, packaging manufacturers and the MTB itself and should be replaced by regulation as soon as appropriate. To the extent that the regulations have not provided for the carriage of these materials, these burdens have been necessary in order to accommodate commerce and, at the same time, ensure public safety. This rule will alleviate the difficulties engendered under the exemption program and the standardization achieved by issuing these rules will contribute to improved overall safety in the transportation of these materials.

Another major impact of this rule is the application of certain regulatory requirements to nonflammable cryogenic gases, like nitrogen and helium, transported in nonpressurized form. These commodities have previously been unregulated by MTB except when transported by vessel. However, MTB believes that the extreme thermal hazards these materials pose in their cryogenic form warrant the imposition of the limited requirements contained in this rule. This will be more fully discussed below.

Approximately 30 comments were received on the proposals contained in the NPRM. All comments, including late submissions, have been fully considered by MTB during the development of this final rule. Several well-defined aspects of the NPRM were the subject of most of the commentary. These significant issues are discussed below by subject. Following the subject-by-subject review is a Review by Section which briefly discusses each section of the rule and the significant changes that have been made since the NPRM.

Use of Aluminum

The NPRM proposed that aluminum be permitted to be used to fabricate the

inner vessel of an MC-338 cargo tank, but that the jacket surrounding the insulation of these containers, when used in oxygen service, must be made of steel. This proposal was based on the adequacy of recently developed industry cleaning standards. The NPRM included a discussion of the use of aluminum in certain packages that come in contact with cryogenic oxygen and specifically asked for public comment concerning this issue (44 FR 12828).

Several commenters supported the use of aluminum in the fabrication of the outer jacketing, as well as the inner vessels, of packagings used for the transportation of cryogenic oxygen. The commenters mentioned the excellent low temperature characteristics of aluminum and the fact that the oxygen does not react adversely with aluminum. In further support of this position, one commenter noted that MTB was planning to issue a proposal for an aluminum cylinder specification for the transportation of oxygen and other gases. (The final rule was published in the **Federal Register** on December 24, 1981, under Docket HM-176, Specification and Usage Requirements for DOT-3AL Seamless, Aluminum Cylinders (46 FR 62452)).

MTB agrees with these comments to the extent that it proposed, and now adopts in this rule, requirements permitting the use of inner tanks constructed of aluminum to transport cryogenic oxygen, if proper precautions are taken to ensure that the packaging is cleaned of all foreign matter. In order to ensure the cleanliness of cargo tanks, MTB is adopting the cleaning standards contained in Compressed Gas Association (CGA) Pamphlet G-4.1. However, MTB strongly believes that it should not permit the use of aluminum jackets on cargo tanks used to transport a flammable cryogen or pressurized, cryogenic oxygen. In a fire situation any escape of these materials would serve to greatly intensify the fire. Considering that aluminum loses most of its strength at 500° F. and melts at 1200° F., it follows that the protection afforded by aluminum is far less than that afforded by steel, which retains a great deal of its strength at aluminum's melting point and which does not melt until heated to approximately 2600° F. Notwithstanding the good safety experience of nonregulated, nonpressurized cryogenic oxygen cargo tanks, as well as some early exemption (special permit) tanks, and in the absence of any meaningful tests on cargo tanks demonstrating the survivability of aluminum in a fire environment, MTB has concluded that aluminum outer jackets do not provide an acceptable level of safety in cargo tanks used to transport cryogenic oxygen, at pressures in excess of 25.3 psig, or flammable cryogens.

As proposed in the NPRM, this rule prohibits the use of aluminum valves with rubbing or abrading aluminum internal parts in packagings transporting cryogenic oxygen. The reason for this prohibition is the possibility that the heat generated by abrading parts, together with the formation of feather-tipped projections creates a potential for combustion. The same prohibition was also proposed for flammable cryogens; however, in the final rule, based on comments and MTB's reevaluation of potential consequences resulting from release in a fire, this prohibition has been extended to any aluminum valve, pipe or fitting.

Pressure Relief Device Systems

Several commenters suggested that the requirements contained in CGA Pamphlets S-1.1, S-1.2 and S-1.3 provide adequate protection for cargo tanks from overpressurization. One commenter contended that a single relief device system that is sized using the CGA standards is adequate. The commenter believes that the proposal in the NPRM, that there be a primary and secondary pressure relief device system of equal capacity, was excessive and unwarranted. This contention has also been raised in applications for exemption. MTB has consistently maintained that spring loaded relief valves are mechanical and therefore subject to malfunction, and that in an accident situation a tank may be in an inverted position discharging liquid and therefore relieving pressure at a much lower rate than when discharging vapor. There is also a significant body of analytical and experimental data that raises questions as to the adequacy of the CGA valve sizing due to several assumptions made in the formulas, such as the heat conduction values of the insulation and the total tank area considered as exposed to fire, which provide lower calculated capacities than MTB believes is necessary to assure an acceptable level of safety in a fire situation. Therefore, MTB considers that the primary and secondary relief capacities prescribed in the NPRM are necessary to assure an acceptable level of protection in transportation and they have been retained in this rule at § 173.318(b).

One commenter objected to the proposed marking of each valve with a rated pressure equal to or exceeding the tank design pressure at the coldest temperature expected to be encountered (proposed § 178.338-8(b)(2)). The commenter believed that such marking conflicts with requirements found to be acceptable by the ASME Code and various piping codes. MTB agrees and has determined that this marking is not necessary and therefore has revised this paragraph to require only that each valve must be constructed and rated for a pressure equal to or exceeding the tank design pressure at the coldest temperature to be encountered. Additional proposed market requirements in § 173.318(b)(5)(ii), for pressure relief devices remain unchanged in this final rule.

Minimum Outage and Filling Densities

One commenter implied that the proposed minimum outage requirement was too restrictive for pressurized nonflammable cryogenic liquids. The commenter expressed that the minimum outage for pressurized nonflammable cryogenic liquids should be 0.5%. MTB believes that a 2.0% minimum outage is appropriate for pressurized nonflammable as well as flammable cryogenic liquids. The greater minimum outage requirement will significantly reduce the likelihood that a cryogenic liquid will vent as a liquid through a pressure relief device. Given the fact that thermal hazards are posed by the release of these extremely cold liquid materials, whether they are flammable or not, this rule retains the proposed outage requirements.

Section 173.318(d) has been revised to exclude helium from the outage requirement because at relieving pressures it is no longer a liquid.

The commenter also recommended that the filling densities proposed in § 173.318(f) be changed to be consistent with his minimum outage recommendation. Since MTB will continue to use a minimum outage of 2.0%, the filling density changes are not necessary.

Venting, Holding Time, Trip Monitoring, and Equilibration of Cryogenic Liquids

In the NPRM venting, holding time and trip monitoring were addressed in proposed §§ 173.33(d)(1)(ii), 173.318(e), 177.840 (h), (i), and (j), and 178.338-9, and these requirements would have applied to all cryogenic liquids. Several commenters strongly urged that these requirements only apply to flammable cryogenic ladings. MTB has looked again at the issue of enroute venting and agrees with the commenters that enroute venting of nonflammable atmospheric cryogens and helium presents little hazard. Except for the holding time test contained in the MC-338 cargo tank specification, these requirements now

only apply to flammable cryogenic liquids. Each MC-338 cargo tank must have a rated holding time to be considered a specification cargo tank, whether it is used to transport flammable or pressurized nonflammable cryogenic liquids.

Equilibration, which was not addressed in the NPRM, is permitted at § 177.840 (i) and (j) of this rule. The concept of equilibration was advocated by several commenters. Essentially it represents a relaxation of the holding time requirement for flammable cryogens by allowing one-way travel time to be redetermined after a full equilibration of the cargo tank is performed. Equilibrations may only be performed at a facility that handles, and is therefore familiar with, flammable cryogenic liquids. Allowing such equilibrations will permit longer hauls to be made safely.

Liquefaction Temperature

There has been some confusion regarding the term "liquefaction temperature" which was used at several points in the NPRM in specifying design service requirements for packagings (see §§ 173.315(a) Table, Note 11, 178.338-1(c)(2)). The term was used without specifying the pressure at which the liquefaction temperature was to be established. This was an unintended omission because the liquefaction temperature of a cryogenic liquid or cold refrigerated gas varies with pressure. When transported in a pressurized condition the temperature is higher than at one atmosphere.

Several commenters called MTB's attention to this problem. (In the ANPRM at § 178.338-1(b)(2) the liquefaction temperature had been stated as being at one atmosphere.) Some commenters who favor design service temperatures based on liquefaction temperatures under pressurized shipping conditions indicated their belief that the omission seemed to support their position. One commenter indicated that it was his understanding that liquefaction temperature was to be determined at one atmosphere. It was MTB's intention that the liquefaction temperature be determined as indicated by this latter commenter.

Despite the omission in the NPRM, in the exemption process for cryogenic liquids and refrigerated gases such as ethane-propane mixes, MTB has, with but a single exception, specified that design service temperature be based on the liquefaction temperature at a pressure of one atmosphere, and MTB is continuing with the limitation in this rule. If a packaging has a design service temperature based on the liquefaction temperature of the lading under pressurized conditions and there is a sudden rapid release of the pressure for one reason or another, the release could result in temperatures colder than the design temperature of the packaging.

The reference pressure of one atmosphere has been added in the rule at §§ 173.315, Note 11, and 178.338-1(c)(2) to make the meaning of the term "liquefaction temperature" absolutely clear.

Jacket Design

Both the ANPRM and the NPRM contained lengthy formulas, details of welding and reinforcing ring construction, etc. for cargo tank evacuated jackets, which were patterned from rail car specifications. The June 21, 1979 **Federal Register** publication of changes to the NPRM altered this approach, at § 178.338-1(f), by simply referring to specific paragraphs of the ASME Code. One industry commenter was critical of this approach asserting that the ASME charts could be misapplied and/or are in error. As best MTB can determine, the commenter's point is that using ASME Appendix V charts in designing a tank for 7.5 p.s.i. minimum external pressure, which based on a safety factor of four should produce a collapsing pressure of 30 p.s.i., will theoretically result in a collapsing pressure of less than 30 p.s.i. as a result of a reduction in safety factors by ASME in 1977. MTB has dealt with this concern by revising § 178.338-1(f)(1) to reference a critical collapsing pressure of 30 p.s.i. rather than a design pressure of 7.5 p.s.i. This gives the same result as was intended in the NPRM and at the same time avoids any possible ambiguity that may result from the use of the ASME charts. This is consistent with the original Compressed Gas Association (CGA) proposal in CGA-341.

Postweld Heat Treatment

One commenter recommended that in the case of tanks constructed in accordance with Part UHT of the Code, postweld heat treatment be required by MTB only when required by the ASME Code (§ 178.338-2(e)). If postweld heat treatment were only conducted when required by the ASME Code, most of these cargo tanks would not be postweld heat treated since the cargo tank thickness is less than the thickness that the ASME Code requires be postweld heat treated. However, MTB believes that the postweld heat treatment of these thinner materials is necessary to provide maximum ductility to resist the vibrations and stresses inherent in the highway environment. Experience over many years with the use of postweld heat treatment in cargo tanks has been favorable and MTB feels there are important safety considerations justifying the requirement with regard to MC-338 tanks.

Pressure Testing

The NPRM, at § 178.338-16, proposed that newly constructed tanks be subjected to a pressure test at 1½ times design pressure, except that for tanks constructed of UHT steel a test pressure of two times design pressure was proposed. Several commenters urged that a test pressure of only 1¼ times design pressure be required. MTB believes that a test to 1½ times design pressure is necessary to prove tank integrity. One industry group asserted that such a requirement precludes pneumatic testing, which is necessary for tanks designed to carry large volumes of low density material, such as hydrogen or helium, and for which testing with dense material such as water presents difficulties. To the extent that a manufacturer does not wish to perform a pneumatic test, MTB does not believe this point is meritorious with regard to initial manufacturer's testing which can be performed while a tank is still on the fabrication floor where it can be supported over sufficient tank area to avoid distortion from water weight. MTB believes the general test pressure requirement of 1½ times design pressure ensures tank integrity and represents sound design and engineering practice in light of the fact that the highest setting for a relief device is 150 percent of design pressure.

The two times design pressure requirement for tanks constructed in accordance with Part UHT of the ASME Code is also being retained. It is not anticipated that this material will be used frequently in the construction of MC-338 cargo tanks; however, to the extent that it is used, MTB believes that the particular composition of this material and the process by which it is manufactured justify the higher test pressure requirements. This is consistent with other MTB requirements that exceed ASME Code requirements in several areas (such as in § 178.337 for MC-331 cargo tanks) when UHT steels are used.

One commenter recommended that the retest requirement at proposed § 173.33(d)(2) be eliminated for MC-338 cargo tanks with evacuated jackets. The commenter stated that such tanks in cryogenic liquid service are not subject to internal or external corrosion, and

that in effect the tank is under constant "leak test" because the slightest leak into the vacuum space would be readily detected. MTB does not agree that this retest should be eliminated. The retest, at higher that service pressure, is necessary to ensure the continued integrity of the tank.

MTB does agree with industry commenters that the proposed retest at 1½ times design pressure would, for purposes of personnel safety, require hydrostatic testing and that this not only poses structural problems for hydrogen and helium tanks, but creates problems in drying and preventing contaminants from entering the tank. Since the cryogenic materials are noncorrosive and since the tank has been subjected to a pressure integrity test of 1½ times design pressure at time of manufacture, MTB believes it is appropriate, without compromising safety, to allow the retest to be performed at 1¼ times design pressure. A procedure for performing pneumatic tests is provided at § 178.338–16(b).

Design Loadings

MTB received several comments concerning the "g" loading requirements. Concern was expressed regarding the different methods contained in the NPRM for defining the loadings (i.e., by "g" loadings and also as a function of weight of the tank). In order to clarify the support and anchoring requirements, MTB has revised § 178.338–13 by expressing all design forces as a function of the static loading imposed in the cargo tank and its attachments when the cargo tank is filled to the design weight of lading. These design forces apply to the tank and jacket as well as the support system.

One commenter urged that the proposed design forces be reduced. While present DOT exemptions (not specifying MC–331 construction) do not specify design forces for the tank or jacket of the vacuum-insulated cargo tank, MTB believes that it is necessary to specify some minimum design force considerations. It should be noted that the static loading requirements for the inner tank of a vacuum-insulated cargo tank were reduced from those proposed in the original NPRM by the June 21, 1979 publication modifying the NPRM. At the time this change was made, MTB stated that it would "not compromise the safety of the cargo tank because the outer tank, which is the structural member used in place of a motor vehicle frame, is proposed to be designed to "g" loadings of three vertical and two longitudinal and lateral." (44 FR 36211.)

As for the outer tank (generally referred to as a jacket in this rule) of a vacuum-insulated cargo tank, the same commenter believes the static loading requirements should be reduced from three vertical and two in all other directions to two vertical and 1½ in all other directions. This is the same loading requirement that was proposed (and is here made final) for the inner tank and its suspension members. MTB does not believe the commenter's recommended design forces are adequate. However, upon reevaluation, MTB does believe that the vertical loading requirement of three, proposed in the NPRM can be safely reduced since, for tanks with evacuated jackets, any dynamic forces are dampened by virtue of the double wall construction. This rule, therefore, imposes static loading requirements for the jacket of an MC–338 cargo tank of two in all directions. This agrees with the industry standard expressed in CGA–341.

Nonvacuum-insulated MC–338 cargo tanks are very similar in construction to MC–331 tanks with support members attached directly to the cold liquid tank. The NPRM proposed static loadings for this type of MC–338 tank that were the same as the required loadings for the MC–331. MTB believes the construction of this tank justifies the loading requirement of three in the vertical downward direction since those dampening factors that supported the reduction in vertical loading for the evacuated jacket are not present in this type of construction. There is also no logical reason for having a lower vertical loading requirement for this tank than for the MC–331 tank. For this tank, the proposed loadings in the NPRM are retained in the final rule.

Nonpressurized Atmospheric Gases and Helium

The MTB is adopting regulations that will apply to nonpressurized atmospheric gases and helium. In the NPRM, MTB stated as a basis for its proposed regulation of nonpressurized atmospheric gases and helium that "* * * certain requirements apply due to the extreme thermal hazard these low temperature materials pose to human tissue and, in the case of vessels, to shipboard structures."

Several commenters took strong exception to this specific proposal. Generally, they questioned the value of shipping papers and incident reports in dealing with the "so-called" thermal hazard of these cryogens. Also, commenters took exception to a statement in the regulatory evaluation for the proposal that indicated such materials could be considered corrosive from a technical standpoint. A commenter suggested that MTB's actual motivation was to obtain a reliable record (through incident reporting) of experience in transportation of such materials for purposes of more extensive regulation in the future. This commenter suggested such a record could be developed based on existing incident and accident reports without additional regulation. Further, he asserted that the existing safety record leads inevitably to the conclusion that such a "thermal hazard" does not, in fact, exist.

Another commenter noted that the ANPRM issued on March 1, 1974, and September 10, 1974 (39 FR 7950; 39 FR 32624) did not include these materials. He further indicated that MTB's proposal to regulate these materials due to the extreme thermal hazards these low temperature materials pose is tantamount to a finding by MTB, which the commenter felt had not been adequately supported, that, pursuant to 49 U.S.C. 1803 (enacted after the ANPRM was issued), the transportation of these cryogens may pose an unreasonable risk to health and safety or property.

MTB finds that the quantity and form of all materials subject to this final rule as cryogenic materials may pose an unreasonable risk to health and safety or property when transported in commerce due to the extreme thermal hazard they pose to human tissue. However, MTB acknowledges that the unreasonable risk potential presented by these materials because of their low temperature is not as significant as the risks posed by many other hazardous materials and, therefore, only a limited number of regulations should apply to their transportation.

If a liquid cryogen were to come into contact with any part of a human body, irreversible damage to tissue could be caused unless the contact is of short duration. This fact is verified in industry literature. While the industries known by MTB to engage in shipment and transportation of these materials have a good safety record, MTB concludes these materials are hazardous materials for purposes of transportation in commerce and that some, but not all, of the hazard communication regulations and the incident reporting requirements should apply to them.

Other cryogens are regulated because they pose risks in addition to their extreme thermal hazard. Principal among these risks are flammability and toxicity (e.g., carbon monoxide). A lesser degree of risk is posed by atmospheric gases and helium when transported at pressures greater than

25.3 psig. These pressurized materials are presently required to be carried in cargo tanks under conditions specified in exemptions because they are, by definition, compressed gases. The principal reason for a higher level of regulation of these materials is to assure that the integrity of their packagings is sufficient to prevent failure at the pressures the packagings can be expected to encounter during transportation. However, in terms of immediately available energy, there is no significant difference in the risk presented by a tank containing a cryogenic atmospheric gas at a pressure above 25.3 psig versus a tank containing a cryogenic atmospheric gas at a pressure below 25.3 psig. (MTB does not draw the same conclusion relative to tanks only partially filled since they have a greater immediate available energy potential when their relief valves are set at higher discharge pressures.)

Therefore, MTB concludes that the principal risk presented by packagings filled with atmospheric gases and helium is the thermal hazard these low temperture materials pose to human tissue and to shipboard structures and that specification packagings are not required for these materials when transported by motor vehicle or railroad at pressures at or below 25.3 psig.

It must be noted that the absence of accident data cannot be conclusive as to whether or not a material is a hazardous material. There are a number of hazardous materials currently subject to the regulations (e.g., spent nuclear fuel) for which there is no accident data indicating fatalities, injuries, or serious property damage as a result of accidents in transportation. If MTB were to agree that a material can not and should not be regulated unless there is accident data concerning transportation of the material in the form and manner to be regulated, MTB would be agreeing that it could only react to adverse experience in deciding if a material may pose an unreasonable risk when transported in commerce. The legislative history of the Hazardous Materials Transportation Act clearly establishes that a strictly reactive posture was not the intent of Congress.

In this final rule, MTB is adopting requirements pertaining to the identification of atmospheric gases and helium when they are carried in packagings at pressures at or below 25.3 psig, and incident reporting requirements consistent with those specified for other hazardous materials. The communications requirements relate to the preparation of shipping papers and the marking of packagings including cargo tanks and tank cars. Except for oxygen, MTB is not adopting requirements pertaining to labeling of packages and the placarding of vehicles and rail cars (except for carriage aboard aircraft and vessels). With the exception of oxygen, MTB does not believe that placarding and labeling are necessary for these materials. The identification of the materials by marking will be sufficient for communication of the risk they present during transportation and will allow for improved emergency response through use of identification numbers. MTB believes the risk presented by oxygen warrants the implementation of placarding and labeling requirements for this material (see NFPA Pamphlet 53M entitled, "Fire Hazards in Oxygen-Enriched Atmospheres 1979", for information concerning accidents involving oxygen, including cryogenic oxygen).

The Impact of This Rulemaking on Existing Exemptions

A number of cargo tanks are currently being operated under exemption, carrying pressurized and/or flammable cryogenic liquids. The NPRM proposed that where practicable these tanks be modified, remarked and rerated to MC-338 Specifications. Where not practicable, the NPRM proposed that the exemption holder so advise MTB, giving the reasons. The NPRM did not address what MTB would do after being so notified. The same process was proposed for rail cars currently transporting ethylene, cryogenic liquid under exemption. Exemption holders were concerned about the impact of the rule on outstanding exemptions and the extent of modifications to these existing tanks, and attendant expense, that MTB would require in an effort to bring them into compliance with the new specification requirements.

MTB has decided to completely resolve this issue by allowing existing cargo tanks and tank cars authorized to transport a cryogenic liquid or certain cold refrigerated gases under an outstanding exemption to be remarked and rerated as specification tanks without undergoing modification. MTB believes this "grandfathering" of existing tanks is necessary to avoid potential severe economic consequences to some exemption holders and can be justified from a safety point of view because of the thorough technical review involved in the exemption process, notwithstanding the fact that certain aspects of certain exemptions may differ from this final rule. However, no new construction under these exemptions may be initiated after January 1, 1984.

Under this rule, the owner or the person using a cargo tank or tank car complying with a DOT exemption listed below should remove the DOT exemption number stenciled on the cargo tank or tank car and stamp the identification plate as specified by § 173.31(a)(8), § 173.33(b)(2), or § 173.33(b)(3), as applicable, according to the proper specification. A copy of the applicable exemption in effect on December 31, 1983, must be retained by the owner or operator, if not the owner, for a tank remarked as a DOT specification packaging.

The DOT exemptions affected by this rulemaking are as follows:

Exemptions—Tank Cars

4717	6231	7491
5736	6392	
5792	6825	

Exemptions—MC-338 type Cargo Tanks

2587	5959	7192
2708	6039	7207
2805	6111	7444
3367	6113	7494
3648	6173	7513
4108	6197	7600
4399	6205	7603
4400	6218	7849
4404	6243	7911
4490	6403	8286
4497	6432	8393
4554	6464	8404
4760	6536	8583
5186	6545	8753
5196	6571	8763
5322	6738	8768
5365	6755	8778
5413	6768	8805
5485	6802	8889
5825	6919	8894
5852	6923	8954
5954	7025	

Exemptions—MC-330 or MC-331 Cargo Tanks

5062	7744	8443
6939	7957	8476
6978	8336	8504
7632	8442	

Exemptions-Cylinders

Cylinders marked "DOT E-6668", "DOT E-8404" or cylinders marked "DOT SP-6668" prior to issuance of the exemption may be marked "DOT-4L" as specified by § 173.23(D) of the rule.

Review by Section

Readers are reminded that this Review discusses only significant comments on the proposals in the NPRM and changes made to the NPRM in this Final Rule. For those provisions that are unchanged, readers are referred to the preamble discussion in the original NPRM (44 FR 12826, March 8, 1979) and subsequent correction documents (44 FR 20461, April 5, 1979; 44 FR 36211, June 21, 1979).

Section 171.1. There is no change, except that the proposed language in § 171.1(a)(i) is now contained in § 171.1(a)(iii) due to amendments to the Hazardous Materials Regulations subsequent to the issuance of the NPRM. Due to the length of time between the NPRM and this Final Rule, provisions have been relocated within a section in a number of instances. Throughout the remainder of this preamble, only significant relocations will be commented on.

Section 171.7. In § 171.7, paragraph (c)(3) is revised to reflect the new address of the Compressed Gas Association and, although they were not a part of the NPRM, paragraph (d)(3)(v) is revised to recognize the 1980 edition of CGA Pamphlet S-1.2 and paragraph (d)(12) is revised to recognize the 1978 edition of Federal Standard H-28 which superseded National Bureau of Standards Handbook H-28. The purpose of these and other changes is to recognize the most up-to-date standards so that users of these references will not have to hold superseded editions. MTB has examined the new standards and for the purpose of this incorporation by reference, recognition of the newer editions does not substantively affect the Hazardous Materials Regulations.

Section 171.8. The proposed definition of "filling density" is changed by including a separate entry for hydrogen, cryogenic liquid, in cylinders. The separate filling density reference for hydrogen, cryogenic liquid, in cylinders is needed for clarity. The separate requirement for hydrogen existed at proposed § 173.316(c)(3) of the NPRM, however the lack of a separate reference in § 171.8 may have led to some confusion. This change will avoid that. Also, MTB has added definitions of "atmospheric gases", "BTU", "cryogenic liquids", and "NPT". These added definitions are also to add clarity. The definition of "atmospheric gases" is especially important since under certain circumstances this rule excepts these materials from certain requirements.

Section 172.101. Five commenters addressed the proposed changes to the Hazardous Materials Table, including the Air Transport Association (ATA) and the Compressed Gas Association (CGA).

ATA's comments included the following suggestions: (1) to add "air, cryogenic liquid", "neon, cryogenic liquid", and "cryogenic liquid, n.o.s." to the Hazardous Materials Table (the Table); (2) to forbid pressurized argon, helium, and nitrogen in cryogenic form from transportation by passenger aircraft; and (3) to authorize the use of cylinders for all cryogenic liquids listed in the Table. In the final rule, MTB has amended the Hazardous Materials Table as suggested by ATA to add "neon, cryogenic liquid". However, MTB does not agree that the descriptions "air, cryogenic liquid" and "cryogenic liquid, n.o.s." should be added to the Table. MTB is unaware of any exception from the practice whereby the various cryogenic liquid fractions are separated and shipped in the form of liquid oxygen, liquid nitrogen, etc. Concerning the prohibition proposed by the ATA on the transportation of cryogenic argon, helium and nitrogen aboard passenger carrying aircraft, ATA did not provide any explanation of its concerns that malfunctioning of a pressure controlling valve would result in operation of a safety relief valve. If for any reason, including a blockage in the pressure controlling valve, there is pressure rise in the cylinder, MTB believes that the safety valve should function at its set-to-discharge pressure. MTB's decision to authorize these materials aboard passenger carrying aircraft is consistent with the decision made by the Dangerous Goods Panel of the International Civil Aviation Organization (ICAO). MTB agrees with ATA that the use of cylinders should be allowed and, accordingly, has authorized these materials to be transported by air in DOT-4L cylinders or in accordance with ICAO requirements under § 171.11.

ATA also proposed that three separate entries be provided in the Table for each nonflammable cryogen. The entries would designate the cryogen as pressurized, low pressure and nonpressurized. MTB does not agree with ATA that three separate entries should be listed for the cryogenic liquids. The basis for ATA's recommendation was that separate entries, rather than the exception proposed at § 173.320, would clarify the applicable requirements for the varying pressures. MTB takes the position that the use of a single entry in the Table, with the exceptions referenced in column 5(a), is consistent with the format of the Table and is well understood by persons affected by the regulations. Should MTB conclude at some future date that some means are needed to differentiate among the various categories of these materials, it will consider the matter in a future rulemaking.

ATA also expressed concern that cryogenic liquids, such as helium and neon, having boiling points colder than the freezing point of air should not be permitted in air transportation when in Dewar flasks because of the possibility the vents may freeze with solid air thereby allowing internal pressure build-up MTB is aware that these packagings have been transported aboard passenger aircraft in the past with no reports of adverse experience that would justify such a prohibition. ATA provided insufficient data as to why this prohibition should be imposed and MTB is not aware of any data or information that supports ATA's position. MTB's decisions not to prohibit the transportation of Dewar flasks containing authorized cryogenic liquids by aircraft is consistent with ICAO. MTB's response is the same with regard to ATA's suggestion that, as another alternative, MTB should consider banning all air transportation of cryogenic liquids regardless of pressure in the packaging.

Another concern of ATA's was that the provisions in proposed § 173.320 do not clarify the fact that such shipments offered for transportation by aircraft are subject to shipping papers, marking, labeling and other requirements pertaining to carriage aboard an aircraft in Part 175. MTB agrees and has revised § 173.320 by removing the reference to aircraft.

Maximum net quantity limits aboard aircraft (the Table, column (6)) were recommended by ATA based on the pre-December 31, 1982 listings in the International Air Transport Association (IATA) Restricted Articles Regulations and the Air Transport Association's Tariff 6-D. CGA's comments also addressed quantity limits. CGA suggested quantity limitations for argon, helium, and neon (CGA, as well as ATA, suggested that neon be added to the Table) that exceeded those in the NPRM. A quantity limitation of 550 pounds of argon by cargo-only aircraft was recommended to allow the shipment of the "150 liter, industry standard container". A similar quantity limitation was recommended for neon. CGA recommended that the quantity limitation of 300 pounds of helium by cargo-only aircraft be increased to 1100 pounds to be consistent with present air shipments in standard containers that include a 1000 gallon container. CGA did not suggest any change in the proposed passenger aircraft limitation of 100 pounds for argon or helium and suggested the same limitation be provided for the new neon entry. MTB agrees with the intent of CGA's suggestions relative to maximum quantity per package aboard an aircraft, however, MTB has modified the suggestion by adopting the limitations used by ICAO for cryogenic liquids, rather than those of CGA, ATA or IATA. MTB believes usage of these

quantity limitations will facilitate transportation of these materials moving in international commerce by air without compromising safety. The maximum net quantity in one package by cargo-only aircraft of helium, neon, and nitrogen is 1,100 pounds and the maximum net quantity of argon is 300 pounds. The quantity limitation in one package of these gases by passenger aircraft is 100 pounds.

Several commenters addressed the proposed stowage requirements for water shipments, which in several instances were more stringent that the stowage currently allowed. Specifically, argon, cryogenic liquid and helium, cryogenic liquid were proposed to be allowed "on deck" stowage, and oxygen, cryogenic liquid was proposed to be allowed "on deck" stowage on a cargo vessel, but forbidden on a passenger vessel. (Present regulations allow helium and the cryogenic forms of argon and oxygen to be stowed on deck or under deck. Argon and oxygen when stowed under deck must be "under deck away from heat.") After further consideration of the proposed stowage requirements, the Coast Guard, which assisted MTB in the preparation of these requirements, agreed to the stowage requirements contained in the present regulations except for that which permits oxygen, cryogenic liquid, to be stowed "under deck" on a passenger vessel. This rule does, however, permit oxygen, cryogenic liquid to be stowed on deck on a passenger vessel and it does not appear there will be any hardship created by this requirement.

Three commenters also objected to the proposed provision prohibiting hydrogen, cryogenic liquid, on board a cargo vessel. The commenters argued that the "5" in column 7(a) should be changed to "1" for consistency with other flammable cryogenic liquids which have similar properties. MTB and the Coast Guard do not agree with the commenters because hydrogen with its wider flammability limits poses a greater potential hazard than other flammable cryogenic liquids. Therefore, the suggested change has not been made.

A change has been made in column (7)(b) for gaseous hydrogen from "54" to "4". The reason for this second change is to correct a typographical error since the number "54" had no meaning and the entries "5" and "4" were conflicting. Retaining only the number "4" allows the water shipment aboard passenger vessels of limited quantities of the material.

ATA and CGA were not in favor of including the term "cryogenic liquid" as part of the proper shipping name. ATA, as discussed earlier, supported use of the descriptions "low pressure", "non-pressurized" and "pressurized". CGA recommended that the term "pressurized liquid" be used for consistency with the terminology in existing regulations. MTB believes the "cryogenic liquid" terminology more readily conveys the thermal hazard posed by these materials to emergency personnel and transport workers. Therefore, the term "cryogenic liquid" is being retained as part of the proper shipping description in the final rule.

MTB has added identification numbers to the new entries being included in the Hazardous Materials Table. This is in accordance with the final rule issued under HM-126A (which was completed after the NPRM for this action (45 FR 34560; May 22, 1980)). The new cryogenic liquid descriptions are preceded by an "NA" prefix.

Another major change since the NPRM is the addition of certain entries designated as "liquid (*refrigerated*)". These entries cover materials that, while not meeting the definition of a cryogenic liquid, are gases at atmospheric pressure and ambient temperatures and are transported in cold liquid form. MTB has added these materials to this rulemaking in order to eliminate a number of exemptions. Because of the grandfathering of packagings covered by existing exemptions, the addition of these materials to the Table and related requirements will not add to the burden of current exemption holders. In fact, the addition of these materials to the Table eliminates the need for an exemption to transport these hazardous materials.

Finally, several commenters requested that the current proper shipping name of hydrogen chloride be retained rather than modified by the description "anhydrous", as proposed in the NPRM. The commenters pointed out that the use of "hydrogen chloride" to describe anhydrous material is universally known in the industry and adding the word "anhydrous" is unnecessary. As requested by these commenters, MTB has allowed the current name, "hydrogen chloride", to remain.

Section 172.203. Three commenters pointed out that the notation on shipping papers used to alert rail carriers that certain tank cars may not be humped or cut off while in motion should be applicable to DOT 113D tank cars. MTB agrees with the commenters. Omission of the DOT 113D tank car was an oversight. MTB has revised paragraph (g)(3) to clarify that the notation is applicable to any class DOT 113 tank car.

Section 172.328. The parenthetical language "(including a cryogenic liquid)" has been added to clarify the fact that this provision applies to those materials.

Section 172.504. Instead of deleting Note 2 to Table 2 and renumbering the remaining Notes, as proposed in the NPRM, the text to Note 2 is removed and Note 2 is reserved.

Section 173.11 (proposed as § 173.5). Several commenters objected to the proposed requirements in this section for shippers of flammable cryogenic liquids in portable tanks, cargo tanks and tank cars, and the proposed requirements in § 177.825 (now § 177.826) for carriers of flammable cryogenic liquids in cargo tanks by highway, to file registration statements with MTB. Three of the commenters opposed the requirements as unnecessary. One of the commenters pointed out that registration is not required for other hazardous materials, that there is no evidence that it is needed here, and that such a requirement is contrary to the intent of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520). Three commenters objected to the provision in the proposal that would require the registration statement to be acknowledged by MTB prior to shipment of flammable cryogenic liquids since it was believed this would result in unnecessary and unreasonable delays. A different commenter suggested that the words "cargo tank" should be included in paragraph (a)(5) for consistency with the intent stated in the preamble. The remaining commenter suggested that the requirement should not apply to shippers of tank cars since it was not a requirement in the exemptions and the requested information would not enhance safety.

MTB disagrees with the commenters who believe that there is no need for registration of shippers and highway carriers of flammable cryogens. The registration requirement adopted in this rule will provide important information which will enable MTB to identify and locate shippers and carriers of these very hazardous materials for periodic inspections of their operations. For the same reason, MTB has not excepted shippers of tank cars from the requirement.

MTB does agree with the commenters' concern regarding the potential time lapse prior to MTB acknowledgement. It is MTB's intention that the registration statements be processed in a timely manner. Accordingly, as suggested by one of the commenters, MTB has revised the requirement to allow the registration statements to be filed by certified mail with a return receipt requested. The signed copy of the returned certified

mail receipt will serve as MTB's acknowledgement of the registration statement. A similar change has been made to § 177.826.

Additional changes to this section since the NPRM, include the requirement that registration filings be with the Associate Director for Hazardous Materials Regulation, rather than the Associate Director for Operations and Enforcement. This is not a substantive change and merely represents a reorganization of functions within MTB. The section has been reorganized and the commenters suggestion that cargo tanks be added in proposed paragraph (a)(5) has been adopted (the corollary paragraph in the final rule is (b)(4)). Finally, the dates on which registration begins have been revised to be consistent with the effective date of this rule.

Section 173.23. A new paragraph (d) is added to permit remarking of cylinders covered by a DOT exemption, as discussed under the heading "Impact of This Rulemaking on Existing Exemptions."

Section 173.29. Proposed paragraph (f)(3) would have prohibited venting of any gas, other than an atmospheric gas, remaining in a tank car previously used to transport a cryogenic liquid. Upon review, MTB believes the same purpose is served by the present requirement of paragraph (c)(2) which requires that an empty tank car that has been used to transport a hazardous material must be shipped in the same manner as when it contained a greater quantity of material unless it has been cleaned, purged or reloaded with a material not subject to the regulations. Therefore, proposed paragraph (f)(3) has not been incorporated into the final rule.

Section 173.31. Proposed paragraph (a)(6) (paragraph (a)(8) herein) is revised as discussed under the heading "Impact of this Rulemaking on Existing Exemptions" to permit remarking of tank cars covered by a DOT exemption. Additionally, the provision has been changed to allow the operator as well as the owner to do the remarking.

A new paragraph (a)(9) is added to provide that tank cars built to Specifications DOT-113A175W, DOT-113C60W, DOT-113D60W, or DOT-113D120W may continue in service, but no new construction of these tank cars is authorized. No new construction of any of the tanks have been authorized under exemption since 1973. The only tank cars authorized for new construction are specification DOT-113A60W (for hydrogen) and specification DOT-113C120W (for ethylene).

Proposed paragraph (c)(13)(i) is revised, as suggested by two commenters, to clarify that a class DOT-113 tank car is not required to be retested unless the pressure rise in the tank exceeds 3 psi per day. If the pressure rise exceeds 3 psi, the tank must be properly retested prior to being returned to service. The NPRM language was not as clear and referred only to 113A cars. Application of this provision to all DOT-113 cars was intended. The correction of this oversight represents a relaxation of the proposed requirements. Two commenters to paragraph (c)(13)(i) stated that the requirement to monitor the cars for pressure rise should only apply to cars transporting flammable cryogens. MTB notes that at the present time the only cryogens authorized for shipment in tank cars are flammable and hence although the language of this section does not limit application to flammable cryogens, § 172.101 does.

In paragraph (c)(13)(ii)(B), the proposed evaporation rate retest has been replaced with a calculated heat transfer rate (CHTR) retest to more accurately reflect the performance tests specified for class DOT-113 tank cars operating under exemption and to be consistent with a change made to proposed § 179.400-4 and published in this rule. The CHTR retest provides a method for qualification of a tank car insulation system that can be more readily accomplished than that which was proposed in the NPRM.

Paragraph (c)(iii) has been rewritten to clarify the fact that successfully completing either of the retests prescribed in (c)(ii) will allow a car to be placed back in service.

In this section, as in a number of others, the term "safety relief valve" has been replaced by the term "pressure relief valve." While both terms are generally understood by industry to refer to the same device, MTB believes that "pressure relief valve" is the more accurate term and MTB, in line with certain industry groups, is using this terminology in this rule. MTB has not attempted to change all references in the Hazardous Materials Regulations where the term "safety relief valve" is used. For purposes of the Hazardous Materials Regulations the terms have the same meaning.

Retest Table 1, which until this rule followed paragraph (d)(4), now follows paragraph (c)(13) and has been expanded to include tank cars formerly under DOT exemption that are to be remarked in accordance with paragraph (a)(8) of this section. Additionally, the DOT-113A175W car, proposed to be deleted, has been left in the Retest Table to meet the needs of a commenter who indicated that tank cars of this type have been reconditioned and returned to service. In response to another comment, the footnote references have been corrected. Also, the vapor tight pressure for the DOT-113A175W tank car has been reduced to 80 percent of the start-to-discharge pressure of the safety relief valve. This change is consistent with the vapor tight pressure valves used for other DOT class tank cars. Two other commenters recommended that a new footnote "t" be added following the table to cover the retest of alternate safety relief valves when installed. Such a footnote is not necessary, however, because § 173.31(c)(13)(v) prescribes a retest that is applicable to any alternate safety relief device.

Section 173.33. Several changes to this section have been discussed previously in the preamble in the subject-by-subject review: (1) Cargo tanks currently used to transport cryogenic liquids under exemption will be "grandfathered" and will not have to be modified or have the inability to make such modifications explained to MTB (proposed §§ 173.33 (b)(2) and (b)(2)(iii)); (2) the holding time verification (proposed § 173.33(d)(1)(ii)) now only applies to cargo tanks containing flammable cryogenic liquids rather than all cryogenic liquids; and (3) the required retest pressure for an MC-338 tank (proposed § 173.33(d)(2)) has been reduced from 1½ times maximum allowable working pressure to 1¼ times that figure.

Additionally, the section has been revised to require cargo tanks currently used to transport certain cold, refrigerated gases under exemption to be stamped with the MC-330 or MC-331 specification identification followed by the exemption number. This serves to "grandfather" these tanks, thereby removing them from the exemption program (although the exemption number will remain with the tank for its service life to substantiate the authorized use of the tank).

The pneumatic testing method in paragraph (d)(2) no longer specifies that a soap and water solution or other suitable material must detect leaks through the presence of foaming or bubbling. Now any "equally sensitive method" is acceptable. This change provides greater flexibility and recognizes that there may be a number of acceptable methods for detecting leaks.

Another change allows either the owner or operator of a tank currently operating under exemption to perform the remarking. The NPRM spoke in terms of the exemption "holder". This

change recognizes the fact that frequently a tank may be under long-term lease to an operator who has exclusive use and possession of the tank. This person is authorized to perform the remarking, thereby reducing the possibility that a tank would have to be taken out of service so that the "holder" could perform the remarking.

The names "carbon dioxide" and "nitrous oxide" are removed and replaced by "carbon dioxide, liquid *(refrigerated)*" and "nitrous oxide, liquid *(refrigerated)*" each time they appear in this section.

Section 173.300. A commenter suggested that the definition of a cryogenic liquid in proposed paragraph (f) be changed to specify a reference pressure at 14.7 psig for "technical clarification." MTB believes a reference pressure would clarify the provision and, for consistency with the liquefaction temperature, has specified a pressure of one atmosphere.

In the NPRM, the definition for filling density in paragraph (g) would have been redesignated as paragraph (h) and amended to indicate the different sections applicable to cryogenic liquids. However, MTB has removed present paragraph (g) in the final rule since a definition of filling density has been added to § 171.8.

Section 173.304. The proposed Table to paragraph (a)(2) has been changed. "Hydrogen chloride" is no longer being deleted and added as "Hydrogen chloride, anhydrous." As noted in the discussion of § 172.101, the name of this material is no longer being changed. However, the name "carbon dioxide, liquefied" is being removed and the name "carbon dioxide" is added.

As noted in the April 5, 1979 addition to the NPRM, paragraph (b) has been revised to clarify filling limits for vinyl fluoride, inhibited.

Section 173.314. Several commenters suggested that tank cars containing hydrogen chloride, liquid *(refrigerated)* should be marked "HYDROGEN CHLORIDE" for consistency with the requirement for chloride materials which have similar hazards. MTB agrees and has added the requirement in paragraph (b)(6). In addition, in the Table to paragraph (c), the maximum pressure for tank cars containing hydrogen chloride, liquid *(refrigerated)* when offered for transportation is increased from 80 psig to 90 psig, based on the concerns of several commenters that increased time be allowed for adequate inspection of tank cars. The effect of the change is minimal and will have no adverse effect on safety. Also, the entries to the Table have been changed, as noted in discussions of other sections, to reflect different shipping names for carbon dioxide, liquid *(refrigerated)* and hydrogen chloride, liquid *(refrigerated)*.

Section 173.315. MTB believes the reference to the marking requirement in the introduction text to this paragraph is unnecessary and, therefore, it has been deleted. In the Table to paragraph (a), the obviously incorrect filling density for hydrogen chloride, liquid *(refrigerated)* of "10.3 percent" is changed to "103.0 percent". Also, MTB is authorizing the shipment of refrigerated ethane, ethane-propane mixture, and hydrogen chloride, liquid *(refrigerated)*, in insulated MC-338, as well as MC-331, cargo tanks. This eliminates an unnecessary restriction in the NPRM that precluded the use of an MC-338 tank for materials for which a less heavily insulated MC-331 tank was authorized.

Note 11 to the Table has been extensively revised. The NPRM proposed that each tank have a design service temperature no warmer than the material's liquefaction temperature. As discussed earlier in the preamble under the heading "Liquefaction Temperature," the term "liquefaction temperature" has been replaced with the more readily understood term "boiling point at one atmosphere" to eliminate possible ambiguity. The requirement in present Note 11 that a cargo tank must be designed for a service temperature no higher than minus 100° F, which was inadvertently omitted in the NPRM, has been retained.

The holding time requirement has been rewritten for clarity, but without changing the substance of the requirement.

The last sentence in proposed Note 11 would have required that, before being transported in an empty condition, a cargo tank be drained, vented or blown down sufficiently to prevent venting while en route. In view of the existing requirement that an empty cargo tank last used to transport a hazardous material must be transported in the same manner as when it contained a greater quantity of material, MTB does not believe the provision is necessary and therefore it has not been included in the final rule.

A requirement has been added to Note 11 that a cargo tank used to transport a flammable gas must have an outer steel jacket. The reasons are discussed earlier in this preamble under the heading "Use of Aluminum."

Finally, the names "carbon dioxide" and "nitrous oxide" are removed and replaced by the names "carbon dioxide, liquid (*refrigerated*)" and "nitrous oxide, liquid (*refrigerated*)," respectively, each time they appear in this section.

Section 173.316. Proposed paragraph (a)(3) has been changed so that the steel jacket requirement does not apply to cylinders transporting cryogenic oxygen. This change was urged by several commenters and also responds to petitions submitted by CGA dated July 3, 1975, and January 19, 1977. This change is supported by the satisfactory safety record of aluminum jacketed cylinders in cryogenic oxygen service under DOT E-6668, and the fact that prior to the granting of this exemption, in 1972, extensive fire tests were performed with satisfactory results. These factors, as well as the quality of material in each package, distinguish cylinders from cargo tanks and support the position adopted in this final rule that aluminum jackets be authorized for cylinders, but not for cargo tanks, used to transport cryogenic oxygen. See the earlier preamble discussion under the heading "Use of Aluminum."

Proposed paragraph (a)(4) has been revised to limit its applicability to cylinders used to transport cryogenic oxygen. Flammable cryogens are now addressed in a new paragraph (a)(5), which prohibits an aluminum valve, pipe or fitting on any cylinder used to transport a flammable cryogenic liquid. This prohibition was supported by the commenters and is necessary, due to the low melting point of aluminum, in order to preclude an increase in the consequences of a fire involving a cylinder containing a flammable cryogenic liquid.

One commenter suggested that pressure relief devices on cylinders should comply with CGA Pamphlet S-1.1, entitled "Pressure Relief Device Standards, Parts I—Cylinders for Compressed Gases." MTB adopted CGA Pamphlet S-1.1 under an earlier rulemaking to require that pressure relief devices on cylinders comply with CGA standards (Docket HM-163E, 46 FR 22194, April 16, 1981). The requirement is contained in § 173.34(d).

Hydrogen has been excepted from applicability of the filling density definition in paragraph (c)(1) and a separate definition has been added as Note 1 to the Table in (c)(3). This was an oversight in the NPRM since the Table to (c)(3) clearly stated that filling density was based on cylinder capacity at minus 423° F.

As suggested by commenters and discussed in the explanation for § 172.101, cryogenic helium and neon are authorized for shipment in cylinders in this final rule and this is reflected by their addition to paragraph (c)(2).

Section 173.318. The proposed requirement to allow aluminum valves

without rubbing or abrading aluminum parts has been retained in paragraph (a)(4) for cargo tanks used to transport cryogenic oxygen. However, a prohibition on an aluminum valve, pipe or fitting being used on a cargo tank used to transport a flammable cryogenic liquid has been placed in a new paragraph (a)(5). The reason for this change is the same as for the similar change made to §173.316.

A new paragraph (b)(1)(ii) has been added to clarify that each pressure relief valve must be designed and constructed for a pressure equal to or exceeding the tank design pressure at the coldest temperature to be encountered. New paragraph (b)(5)(iii) contains a requirement to mark the set-to-discharge pressure of each pressure control valve. This requirement is consistent with that contained in § 173.315 for other cargo tanks.

In the Table to proposed paragraph (f)(3), the design service temperature for methane or natural gas was −320° F. This was in error. The correct design service temperature specified in the final rule is −260° F.

The operational requirement, proposed in §§ 178.338–9(c) and 178.338–18(d), specifying that a cargo tank containing a flammable cryogenic liquid must be marked with the one-way travel time (OWTT) for the material contained in the cargo tank has been deleted from the specification section. The requirement is now, more appropriately, in new paragraph 173.318(g). Additional comments and changes to this section have been addressed earlier in this preamble under the headings "Pressure Relief Device Systems," "Minimum Outage and Filling Densities," and "Venting, Holding Time, Trip Monitoring and Equilibration of Cryogenic Liquids."

Section 173.319. The requirements in this section have been revised to clarify that they apply only to flammable cryogens.

MTB received conflicting comments on the use of scales to determine the amount of cryogenic liquids loaded into a tank car as proposed in paragraph (a)(2). MTB has decided to delete the required use of scales for hydrogen cars, but has retained the method for cars containing other cryogenic liquids. The exception for hydrogen is made due to the extremely low density of this material and the fact that even a reasonably accurate scale capable of weighing a rail tank car would likely have a plus or minus error that would make it unreliable as a method of checking the amount of hydrogen that has been loaded.

The requirement in proposed paragraph (a)(3) to notify the Bureau of Explosives (B of E) when a tank car has not been received by the consignee after 20 days was opposed by three commenters. One of these commenters pointed out that a tank car operating between such places as Texas and Alaska would exceed 20 days in transit on every shipment. The other two commenters argued that the design of cars for flammable cryogenic ladings provides for a 30 day holding time and therefore taking action after 20 days is premature. After considering the matter, MTB has decided to retain the notification requirement. MTB and the Federal Railroad Administration believe that, for tank cars transporting flammable cryogens, tracing should begin after 20 days in transit to ensure that a car will be located and routed to reach its destination within the holding time of the car.

Paragraph (c) has been changed to relate filling temperature to pressure rise, instead of the holding time, for consistency with changes made to § 179.400–4. These changes recognize that it is not current practice to conduct holding time tests on tank cars in cryogenic liquid service.

Finally, the permitted filling densities in the table in paragraph (d)(2) have been modified for ethylene to accommodate tank cars currently operating under a DOT exemption that under this rule will be remarked in accordance with § 173.31(a)(1). The DOT–113A175W car has been added to the authorized specifications for hydrogen as noted in the preamble discussion of § 173.31.

Section 173.320. The applicability of the exception provided by this section is expanded to include all atmospheric gases and to make it clear that the regulations pertaining to cryogenic liquids do not apply to refrigeration systems during transportation by motor vehicle, railcar, or vessel. The wording has also been clarified to emphasize that in order to qualify for this section, the design and construction of the packaging, not the thermal protection, must limit the pressure to 25.3 psig.

The exception has also been expanded to exclude atmospheric gases (except oxygen) and helium in qualifying packaging from the labeling and placarding requirements in Part 172. For carriage aboard aircraft, the provisions of § 173.11 apply; therefore, there is no reference to aircraft in § 173.320.

The issue of imposing any requirements on the shipment of atmospheric gases and helium is discussed earlier in this preamble under the heading "Nonpressurized Atmospheric Gases and Helium."

Part 174. Except for minor reorganization of § 174.204(a)(2), the sections in this Part are amended and revised as proposed in the NPRM.

Section 176.76. A number of changes have been made to this section. Several commenters recommended that this section be expanded to provide for cargo tanks formerly under a DOT exemption that have been remarked in accordance with § 173.33(b)(2). MTB agrees and this change has been made in paragraph (h)(1).

The reference, in proposed paragraph (h)(1) to § 173.318(a)(4) is now treated more clearly by restating the applicable requirements in paragraph (h)(2). Proposed paragraph (h)(2) is now (h)(3).

In line with other provisions regarding holding time, proposed paragraph (h)(2) (now paragraph (h)(3)) has been changed so that it now only applies to flammable cryogens. See the discussion under the heading "Venting, Holding Time, Trip Monitoring and Equilibration of Cryogenic Liquids" earlier in this preamble. Several commenters correctly pointed out that proposed paragraph (h) does not provide for tank cars containing a cryogenic liquid to be transported by vessel. This was an oversight on MTB's part. Accordingly, a new paragraph (h)(4) has been added to allow shipment of cryogenic liquids by vessel in DOT–113 or (for nonpressurized atmospheric gases and helium) AAR 240W tank cars. Because of the extreme thermal hazard cryogenic liquids pose to shipboard structures, a requirement has been added in new paragraph (h)(4) to require portable tanks, cargo tanks and tank cars containing cryogenic liquids to be stowed "on deck" only.

Section 177.816. The NPRM proposed that drivers of cargo tanks used to transport a flammable cryogenic liquid be required to receive formal training, at least once every 24 months, on the proper handling of the particular flammable cryogen being transported in the particular type of cargo tank. Included in the proposal were requirements that written records of training be kept by the carrier and that the driver be issued a certificate of training to be carried on his person while operating the motor vehicle. Three comments were received concerning this section. The Interstate Commerce Commission supported a detailed, structured curricula. The second commenter suggested that corresponding revisions should be made to §§ 391.11, 391.51, and 397.19 of the Federal Motor Carrier Safety Regulations, and the third commenter opposed the proposal as redundant and

as an unnecessary regulatory burden that would do nothing to enhance safety in view of § 177.800. This commenter also questioned whether the driver would be placed out-of-service if he did not have the certificate of training in his possession during a DOT roadside inspection.

This final rule adopts a driver training requirement because MTB believes that the program will increase a driver's knowledge and general awareness of the applicable Hazardous Materials Regulations, and his knowledge of the hazard of cryogenic liquids and the handling and operating characteristics of the particular vehicle used to transport the material. This requirement reflects good business practice and helps to ensure that this type of training will be performed at regular intervals.

In response to the comments, MTB notes that the training presently required by § 177.800 is general in nature and does not cover the details proposed, and now contained, in § 177.816, which is specifically applicable to flammable cryogenic liquids. Adoption of a structured curricula as suggested by the ICC, is outside the scope of this rulemaking. If MTB determines in the future that there is a need for a structured driver training program, it will be made the topic of a future rulemaking.

The major change to the NPRM is that a certificate of training is no longer required. MTB reevaluated the burdens and benefits of such a requirement and now believes that requiring the paperwork to be completed and then retained by the driver is unnecessary in view of the fact that the information can be obtained from the carrier's files.

In order to reduce paperwork burdens, MTB has reduced the period of time that a carrier must keep the driver's record of training after a driver has left the carrier's employ from three years to 90 days.

Paragraph (a) is changed to indicate that when interchange operations are involved, only the originating carrier is subject to this section.

Section 177.818. One commenter recommended that the provisions of this section be limited to transportation of *flammable* cryogenic liquids. The omission of the word "flammable" preceding "cryogenic liquid" in this section was in error. The omission has been corrected.

Section 177.824. This section is adopted as proposed in the NPRM.

Section 177.826. MTB has revised this section along the lines of § 173.11 to allow carriers to file registration statements by certified mail with a return receipt serving as MTB's acknowledgment. One commenter expressed concern that certain information contained in the registration statement, such as the number and type of vehicles in use by a carrier, may be considered proprietary and should be protected from public release. For years, each motor carrier has filed with the Federal Highway Administration's Bureau of Motor Carrier Safety (BMCS) a listing of all MC–330 and MC–331 cargo tanks the carrier has in service (49 CFR § 177.824(f)). MTB does not believe that the type of information that must be provided under this section is any more proprietary than that provided to BMCS on the MC–330 and MC–331 cargo tanks. However, if a carrier believes that its information is entitled to confidentiality under the Freedom of Information Act (5 U.S.C. 552), or is the type of material referred to in 18 U.S.C. 1905, the carrier is entitled to request confidential treatment under the terms of 49 CFR 107.5.

In paragraph (c), the initial filing period has been revised to be consistent with the effective date of this amendment.

Section 177.840. Paragraph (h) has been restructured for clarity.

Paragraphs (i) and (j) have been rewritten to allow for equilibrations. This is discussed earlier in the preamble under the heading "Venting, Holding Time, Monitoring, and Equilibration of Cryogenic Liquids."

MTB believes paragraph (j) of the NPRM which specified a 50 percent reduction in one-way travel time for cargo tanks used in distribution service (peddle runs) is no longer necessary in light of the new provision on equilibration specified in § 177.840 and the modified provisions to allow venting of nonflammable cryogens as specified in § 173.320. Accordingly, it has been deleted.

Paragraph (k) of the NPRM, which discussed empty cargo tanks has also been removed, as discussed previously in this preamble with regard to § 173.29. MTB believes that this proposal was unnecessary in light of the present requirement in § 173.29(c)(2).

Paragraph (l) of the NPRM is now paragraph (k) and has been clarified to indicate that the apparatus must be approved by the National Institute of Occupational Safety and Health.

Section 178.57. Several changes have been made to this section that were not addressed in the NPRM. These changes, however, reflect an expanded use of the DOT–4L cylinder and in most instances are necessary to conform to other changes that have been made in this rule.

In § 178.57–2, The maximum service pressure has been revised to more accurately reflect the maximum pressures authorized in Part 173 for cryogenic liquids during transportation. In paragraph (c) of this section, design service temperatures are specified for argon, helium, neon, nitrogen and oxygen, in addition to hydrogen. The temperatures specified are the same as those previously required under paragraph (c) except for helium and neon, which were not previously authorized for transportation in DOT–4L cylinders.

Section 178.57–5 has been changed to reflect the fact that for the carriage of certain commodities an aluminum outer jacket is authorized. See the discussion of this in the preamble discussion of § 173.316.

Section 178.57–8 has been revised to provide for aluminum as well as steel jackets on DOT–4L cylinders. A steel jacket on a non-evacuated insulation system may be no less than 0.060 inch thick, as prescribed by present regulations. When an aluminum jacket is used on a non-evacuated insulation system, it may be no less that 0.070 inch thick. This is consistent with existing exemptions. Paragraph (c) also provides that when a steel or an aluminum jacket is used on vacuum insulated cylinders, the jacket must be designed to a minimum collapsing pressure of 30 psi. The 30 psi minimum collapsing pressure will provide greater flexibility than the specification of a minimum thickness and is better suited to controlling the wall thickness of an evacuated jacket to provide resistance to collapsing. Paragraph (d) of the same section has been added to ensure that the requirement in § 178.57–20(a)(4) is complied with at the time of manufacture.

In § 178.57–10, the definition of "P" has been rewritten to indicate that the pressure test need not be hydrostatic and to clarify that this figure is to be expressed in psi.

Section 178.57–12 now provides that the fitting, boss or pad provided for each opening may be "integral" in lieu of "securely attached". The reference in paragraph (a)(2) has been changed from "American Standard taper pipe threads" to "NPT". This change, with the associated definition in § 171.8, helps pinpoint the reference without making a substantive change. Paragraph (a)(3) has been rewritten for clarity. As previously worded it was unclear whether the required inertness and leakage prevention characteristics referred to the threads or the gasket. Although the

answer may have been obvious, it has now been stated correctly.

Section 178.57–13 was addressed in the NPRM and it is adopted here with the added requirement that flow capacity meet the industry standard in CGA Pamphlet S–1.1.

In § 178.57–20, the references to "service temperature" in paragraph (a)(2) have been changed to "design service temperature", without substantive effect. An identical change has been made in paragraph (a)(4) along with minor rewriting for clarity. The examples shown in the present paragraph (a)(4) have been moved to paragraph (a)(5). Paragraphs (a)(8) and (a)(9) have been added to require special orientation instructions and, when appropriate, a marking which identifies a cylinder with an aluminum jacket.

Section 178.57–21 has been revised to recognize that an aluminum jacket is authorized for nonflammable cryogens and therefore the materials of construction for the cylinder and outer jacket are now specified separately.

Section 178.57–22 is being changed to make very minor changes to correct improper uses of plurals, to change "service temperature" to "design service temperature" and to move the chemical analysis table to the proper location.

Section 178.337. MTB has revised § 178.337–1(a) for clarity and to authorize MC–331 cargo tanks to be constructed with aluminum. If aluminum is used for the inner tank, the tank must be insulated. When an insulated tank is intended to be used to transport a flammable gas, a steel jacket is required. Although not addressed in the NPRM, MTB believes these modifications are justified in view of its decision to allow aluminum in the construction of MC–338 cargo tanks under similar conditions. Section 178.337–1(e) has been revised to recognize the changes made to §§ 173.315(a) Table Note 11 and 178.337–1(a).

Section 178.337–11(c) has been revised to include the term "NPT" as a reference standard for the discharge openings. Also the reference to hydrogen chloride has been changed to be consistent with the new proper shipping name "hydrogen chloride, liquid *(refrigerated)*."

Section 178.338–1. An additional reference has been added in paragraph (a)(2) of § 178.338–1 to clarify the design service temperature. See the preamble discussion under the heading "Liquefaction Temperature" for further discussion.

A commenter requested that paragraph (c)(1) be revised to require each tank to be "designed, constructed, *and stamped* * * *." A tank constructed to the MC–338 specification is required to be marked by stamping, embossing, or other means, as prescribed by § 178.338–18. Therefore, MTB believes adding the word "stamped" to this section is not appropriate. Also, the commenter requested that paragraph (c)(1) allow closing welds to be made with non-removable backing strips. Construction of such a cargo tank is not prohibited by the regulations provided the tank is designed and constructed to allow washing of the interior surface, as prescribed by paragraph (c)(3), and meets the cleanliness requirements contained in § 178.338–15. Therefore, no change is necessary. As suggested by the same commenter, MTB has made a minor revision in the lower design pressure value specified in paragraph (c)(1) from 25 psig to 25.3 psig for consistency with § 173.320. The word "cargo" has been removed, in the reference to "cargo tank" in paragraph (c)(3), for consistency with the definition of tank in § 178.338–1(b).

In paragraph (e), a commenter requested that MTB specify a thickness in inches, in addition to the gauge values specified for the minimum metal thicknesses, in order to ensure proper calculations. However, the gauge-to-inch values suggested by the commenter were not in accordance with guage thicknesses prescribed in the Table to § 173.24(c). The commenter did not explain why the values in § 173.24 were unsuitable. MTB has now specified minimum thicknesses, in inches, based upon the minimum thicknesses prescribed in § 173.24(c).

The design parameters for evacuated jackets in paragraph (f) were revised in the June 21, 1979 notice. In that notice, MTB acceded to commenter's requests and incorporated some of CGA's recommendations for a vacuum jacket contained in CGA–341 which, to a large extent, references the ASME Code. In its comments to the NPRM, as modified, the CGA recommended adoption of § 178.338–1(f) as initially proposed in the March 8, 1979 NPRM and expressed its view that the June 21, 1979 revision to paragraph (f)(2) was unsuitable. After considering these comments, and for reasons discussed under the heading "Jacket Design" earlier in this preamble, MTB has adopted the proposals for evacuated jackets contained in the June 21, 1979 notice, but has specified that the minimum collapsing pressure for evacuated jackets must be at least 30 p.s.i. This is consistent with standards in Pamphlet CGA–341.

Section 178.338–2. A commenter objected to the proposed requirements in paragraph (a) that jacket material must be in accordance with the ASME Code and to the additional postweld heat treatment required for cargo tanks constructed of UHT materials in proposed paragraph (e). The commenter stated that ASME material has never been mandatory for evacuated jacket material. This commenter cited the narrow temperature range for proper heat treatment of 5%, 8% and 9% nickel steels as the reason for opposing the proposed requirements for UHT materials. These same objections were raised to proposed § 178.338–4(a).

MTB is not aware of any test or experience data on the suitability of cargo tanks constructed of UHT materials that have not been postweld heat treated. Also, MTB is not aware of any cargo tank constructed of 5% or 8% nickel steels in pressurized cryogenic liquid service. Furthermore, there is no authorized cargo tank constructed of 9% nickel steels in pressurized cryogenic liquid service under exemption that MTB can use as the basis for obtaining experience data. The one cryogenic cargo tank constructed of a modified 9% nickel steel being operated under exemption has not been postweld heat treated, but it is mounted on a flat-bed trailer; therefore, it is not subject to full torsional forces and dynamic shock loadings normally encountered during transportation. In the absence of such data, MTB strongly believes the requirements proposed in the NPRM are justified in order to fully account for the dynamic forces encountered in the transportation environment. These forces are not considered by the ASME Code, which basically establishes standards for stationary pressure vessels. Furthermore, MTB believes that anyone who fabricates with UHT material is capable of properly heat treating these materials. Other UHT steel pressure vessels require postweld heat treatment. Therefore, the proposed requirements are retained in the final rule.

Section 178.338–3. A commenter requested that MTB incorporate the more lenient metal thickness requirements of the ASME Code. Since, as noted above, ASME designs do not consider the dynamics of the transportation environment, MTB is adopting the proposal contained in the NPRM.

Section 178.338–4. One commenter recommended that proposed § 178.338–4(c), which deals with the intersection of nozzles, supports, and other welds with longitudinal welds in the tank and load bearing jacket, be deleted. The commenter believes that the ASME Code adequately addresses welding

details. However, MTB believes that the prohibition on such intersections, other than by the welds of load rings or stiffening rings, contributes to overall tank integrity at negligible additional cost. Therefore, MTB is retaining § 178.338–4(c) and, along the same lines, is adding language to proposed § 178.338–13(d) (now at § 178.338–13(a)), specifically providing for fillet weld discontinuity in the attachment of supports and bumpers, in order to reinforce the § 178.338–4(c) requirement.

Section 178.338–5. This section is adopted as proposed in the NPRM.

Section 178.338–6. One commenter recommended that MTB delete the requirement for a manhole on cargo tanks in oxygen service. The manhole requirement was proposed as § 178.338–6 in the June 21, 1979 **Federal Register** publication amending the NPRM. The commenter stated that oxygen is not a corrosive and that by following the proposed tank cleaning requirements the possibility of contamination of the tanks would be reduced to a level that would eliminate the need for a manhole. The commenter also believes that a manhole would provide a means of future contamination by allowing for an internal inspection without proper follow-up cleaning procedures. MTB believes that contamination of oxygen tanks during construction could pose a serious safety problem and therefore, in order to assure that the proper degree of cleanliness has been accomplished, the tank must be internally inspected after construction and prior to final closure. At the time of tank manufacture, a manhole provides the surest means of ensuring that the tank is contaminant-free prior to final closure. This assurance of cleanliness is crucial in tanks intended for oxygen service.

After the tank has been in service, the presence of a manhole allows for subsequent thorough internal examination. MTB believes the benefits to be gained by having the manhole outweigh any risk that a subsequent examination will cause contamination. The cleanliness requirements are geared to ensuring that after a tank has been reentered, and prior to subsequent reuse, that an oxygen compatible environment, i.e. no contamination, is reestablished.

Section 178.338–7. A commenter recommended that proposed paragraph (a), providing for complete drainage of flammable ladings, be revised to remove the implication that a pipe must drain down from the lowest point of the tank. MTB agrees and has revised the paragraph accordingly. The requirement for the closure of openings in a tank in proposed paragraph (b) is addressed in §§ 178.338–8, 178.338–10 and 178.338–11; therefore, proposed paragraph (b) has not been adopted.

Section 178.338–8. Paragraph (a) has been reworded to specifically require compliance with § 173.318(b) rather than merely referring to that section. The wording in paragraph (b)(2) has been simplified without a change in meaning. In paragraph (b)(5), at the suggestion of one commenter, MTB is allowing a check valve to be used on MC–338 cargo tanks. Allowing the use of a check valve provides an alternative that meets the intent of MTB's initial proposal in that it provides for complete, positive closure. Further discussion of this section is contained under the heading "Pressure Relief Device Systems" earlier in the preamble.

Section 178.338–9. In response to proposed paragraph (b), a commenter pointed out that it is impossible to maintain a liquefied gas at a temperature corresponding to its boiling point at atmospheric pressure, as proposed in the NPRM. The commenter maintained that "in the absence of thermal stratification, the fluid would maintain itself at a saturation temperature corresponding to the lowest back pressure that can be maintained stable after filling the vessel." MTB agrees with the commenter. Accordingly, MTB has specified the boiling point at a reference pressure of one atmosphere and has revised the requirements to reflect a more practical pressure as suggested by the commenter. The requirement appears in paragraph (b)(1) of the final rule.

In proposed paragraph (b)(1) (paragraph (c) of this final rule), a commenter recommended that the holding time obtained in the optional test be required to be not less than 90% of the marked rate holding time, rather than requiring test results be within 10% of the original test. The commenter also recommended that MTB specify the Normal Evaporation Rate (NER) at not more than 110% of the original test. MTB has incorporated the suggested change to the optional test regimen in paragraph (c), but has not included the NER test (which was not defined by the commenter). This test has been mentioned by various industry members in the past and MTB has always requested that the test be defined. Further, MTB believes a test should be performed to validate the use of the NER test by comparing the results of the NER to the currently specified holding time tests. Without this information, MTB is unable to evaluate the value of the NER versus the holding time test.

Proposed paragraph (c) has been revised for clarity and it appears as paragraph (b)(2) in the final rule. The one-way travel time requirements have been moved to § 173.318(g).

Section 178.338–10. A commenter recommended certain changes be made in proposed paragraph (a) to specify applicability of the collision damage protection requirements to lines on a tank which, if damaged, could result in the loss of the lading, and to lines which connect to the safety relief devices. MTB has incorporated the intent of the comment into the final rule. In paragraph (c), the word "cargo" is added, as suggested by a commenter, when referring to the tank. MTB is not incorporating a comment suggesting a specific bumper height requirement. The NPRM contained a performance-oriented requirement ("adequate to protect all valves and fittings * * *.") that is adopted in this final rule.

Section 178.338–11. A commenter suggested that the first sentence in paragraph (b) be revised to read "Each *liquid* filling and *liquid* discharge line * * *." MTB agrees that the word "liquid" should be added since the lines being referred to in this paragraph are not those which discharge vapor. This change makes the meaning clearer and it has also been incorporated into paragraphs (b) and (c).

As proposed in paragraph (c) in the NPRM, the location of valve seats on cargo tanks was dependent on whether the tank was vacuum insulated or not. A commenter disagreed with the proposal as it related to tanks with evacuated jackets. The commenter pointed out that, based on its information, the construction of vacuum jacketed valves does not facilitate location of the valve seat inside the jacket. The commenter argued that attempts to comply with the proposed requirement will result in vacuum and maintenance problems. As part of its analysis of the comment, MTB reviewed the outstanding DOT exemptions for vacuum insulated cargo tanks designed to carry flammable cryogens. This review revealed that none of these cargo tanks had the construction specified in the NPRM. After reevaluating the matter, MTB agrees with the commenter that for evacuated jacket construction it is not necessary to specify valve seat location inside the jacket and therefore this provision has been changed to require the valve to be as close to the tank as practicable.

The wording regarding the remotely controlled valves in proposed paragraph (c) has been changed in response to a comment. For consistency with other requirements in paragraph (c), the references in proposed paragraphs (c)(1)

and (c)(2) to internal shut-off valves have been changed to remotely controlled shut-off valves. Paragraph (c)(1) has also been changed to make clear that the thermal means of closure need not be a fusible element and that equivalent devices are acceptable.

Section 178.338–12. A commenter objected to the proposal on yield section and suggested that it be deleted. The commenter indicated that it had been reported to him that yield sections are hazardous and voiced the opinion that the risk of catastrohpic failure appears to exceed the hazard which the yield section was intended to eliminate. The yield section is designed to break under strain without affecting the product retention capabilities of valves on a tank, and there is no evidence that safety has been compromised because of such a requirement in the past. Therefore, MTB has incorporated the requirement in the rule. The term "shear section" rather than "yield section" is being used since MTB believes the former term more accurately describes the mode of failure.

Section 178.338–13. This section has been reorganized. Paragraph (d) in the NPRM is now paragraph (a). Paragraph (b) in the NPRM is essentially continued as paragraph (b), however paragraph (c) in the NPRM, which referred to paragraph (b), has been deleted as unnecessary. Paragraph (e) in the NPRM is now paragraph (c). Paragraph (a) in the NPRM which dealt with cargo tanks that were "not permanently attached to or integrated with" the vehicle chassis has been deleted since it is unnecessary. MTB is not aware of any cargo tank designed or fabricated in this fashion that is used in cryogenic service.

Changes in static loading requirements in this section have been made and these are discussed earlier in the preamble under the heading "Design Loadings."

Section 178.338–14. The only change made to this section since the NPRM is in paragraph (a)(1) where the requirement that the device indicate the maximum permitted liquid level now specifies that this indication be "at the loading pressure." MTB believes this improves the clarity of this provision without making a substantive change.

Section 178.338–15. The only change to this section is that the closure that is now specified is that of the "manhole of the tank" instead of the "manway or the tank" specified in the NPRM. This change is necessary to conform to the requirements in § 178.338–6, which were first proposed in the June 21, 1979 amendment of the NPRM (§ 178.338–15 was not corrected at that time).

Section 178.338–16. The discussion of testing requirements in this section is discussed earlier in this preamble under the heading "Pressure Testing."

Paragraph (a) has been reorganized so that the basic test pressure requirements need not be stated twice, once under "hydrostatic test" and once under "pneumatic test". Now the basic test requirements have been set out as paragraph (a) and the additional requirements applicable to pneumatic testing are set forth in paragraph (b).

It was proposed in paragraph (b) that "all welds in or on the cargo tank shell or heads shall be radiographed * * *." One commenter recommended that jacket welds not be required to be radiographed and that additional methods of weld inspection be authorized for the internal tank. MTB agrees that jacket welds need not be radiographed because weld integrity is established by other means, such as the thermal integrity test. However, MTB believes that radiographic inspection of all tank heads and shell welds is necessary to ensure the pressure integrity of the tank. The revised requirement, which is at § 178.338–16(c) of the rule, does not preclude the use of other inspection methods in addition to that required by this rule, so long as any deposits or other contamination from such methods are removed prior to final tank closure. This incorporates a change to the NPRM that was made in the June 21, 1979 **Federal Register** publication.

Paragraph (c) in the NPRM (paragraph (d) herein) has been changed by removing the proposed requirement that any non-mechanical cutting undertaken in defect repair required the qualification of the cutter, the welder and the combination of cutting and welding. These requirements are covered by the ASME Code.

Section 178.338–17. This section has been adopted as proposed in the NPRM.

Section 178.338–18. A commenter recommended that the nameplate be affixed to the left side rather than to the right (curb) side of the vehicle. No reason was provided for the suggested change, which would modify a long standing requirement. The recommendation is not adopted.

The commenter also stated that it is unnecessary and redundant to require two plates. The matter of duplicate plates is particularly important. The ASME Code requires that the nameplate be attached to the Code vessel and be visible after insulation is applied to the Code vessel. If duplicate plates were not used, an opening would have to be made in the insulation system to expose the nameplate. Such an opening would adversely affect the efficiency of the insulation system. Further, paragraph UG–119(e) of the Code contains provisions for installation of a duplicate nameplate on the insulation jacket. This duplicate plate must contain all of the information found on the original plate, including the Code symbol. Therefore, MTB is retaining the requirement in this final rule.

Finally, the commenter favored a ¼ inch size letter requirement in place of the proposed ⅜ inch lettering for the identification plates. MTB believes ⅜ inch letters provide more legible markings than smaller sizes without imposing undue burdens on manufacturers and therefore has retained the proposed requirement in this rule.

Only minor changes have been made in this section. Paragraphs (b)(8) and (b)(9) in the NPRM have been placed in reverse order in this rule. Paragraph (b)(9) has been expanded to specify that for a cargo tank used to transport several cryogenic liquids only one MRHT need be marked on the specification plate. The MRHT's for the additional commodities may be placed adjcent thereto.

The NPRM proposal for paragraph (d) has been deleted from this section and is now the introductory paragraph of § 173.318(g).

Section 178.338–19. Certain minor changes have been made to this section. A commenter recommended to delete the words "including the ASME Code" in proposed paragraph (a) because "the manufacturer will provide the U–1 form as required by the Code." These forms are not always available. A person has only to review the exemption requests received by MTB to realize the significant number of instances wherein an applicant has a tank made to ASME Code, but where no drawings, nameplates, or U–1 forms are available. Therefore, the proposed requirement has been retained in the final rule. Paragraph (a) has been restructured and it now specifies that the manufacturer shall furnish the required documents to the owner.

Paragraph (b) has been changed to specifically require the manufacturer of each stage to not only furnish a certificate covering his work to any succeeding manufacturer, but also to pass along any certificates received from earlier manufacturers. This will ensure that at the end of staged construction the final manufacturer will possess certificates covering the entire construction. Another change requires that all these certificates be furnished to the owner.

Paragraph (c) has been changed so that upon change of ownership, the old owner does not retain the original documents for one year as proposed in the NPRM, but need only retain photocopies for that time. This change allows the original documents to be transferred to the new owner.

Section 179.100–7. In § 179.100–7(a), the reference entry "ASTM–A537–70, Grade A" is corrected to read "ASTM–A537–80, Class 1." The erroneous reference to Grade A has appeared in several editions of Title 49 CFR. This change correcting the error is also made at various other places in §§ 179.102–4 and 179.102–17.

Section 179.102—1. In § 179.102—1 the heading and the introductory text to paragraph (a) have been amended to read "carbon dioxide, liquid (refrigerated)."

Section 179.102–4. Several commenters recommended that proposed paragraph (b) be revised to allow the manway, nozzles and anchorlegs to be fabricated with stainless steel, which would not be required to be impact tested. The commenters supported their position on the grounds that stainless steel can substantially reduce the heat flow into the tank, and thereby increase the holding time and improve transportation safety. MTB believes the recommendation has merit and has provided for the use of ASTM A240 Type 304, 304L, 316, or 316L stainless steel. The use of ASTM Specification A516 and A537 materials are authorized, as proposed in the NPRM.

Several commenters objected to the requirement in proposed paragraph (c) that insulation material must be "self-extinguishing." The commenters argued that even though most insulations do not support combustion, the materials are not technically "self-extinguishing" as the term would indicate. Two commenters indicated that they were unsure how the term would be defined. MTB agrees with the commenters that the use of the term "self-extinguishing" without further definition would be confusing and that presently approved materials are not in fact "self-extinguishing." After reevaluating this proposal, MTB has decided to remove the "self-extinguishing" requirement and require that the insulation be of approved material.

Commenters pointed out that in proposed paragraph (d) there is no need to require dual safety relief systems for vinyl fluoride. Two commenters indicated that a rupture disc on a tank of flammable gas can be considered a poor safety practice. MTB agrees with the commenters and has deleted the proposed requirement for a safety vent. In proposed paragraph (d) the word "piped" is changed to "directed", as suggested by two commenters, for consistency with § 179.102–3(a)(2), which requires openings in the protective housing cover for relief valve discharge.

In paragraphs (f) and (h), the use of a thermometer well or a pressure gage has been made optional rather than mandatory. This option offers a shipper flexibility in the manner in which compliance with the provisions of Note 17 to the Table in § 173.314(c) is determined

Finally, paragraph (1) has been revised to define more clearly the acceptance standards for welds. The welds must meet the acceptance standards contained in W11.06 of AAR specifications for Tank Cars, Appendix W.

Section 179.102–17. Paragraphs (b), (c), (d), (f) and (m) have been changed in the same manner, and for the same reasons, as their counterparts in § 179.102–4 ((b), (c), (d), (f) and (l)). In addition, as suggested by commenters, paragraph (d) has been revised to allow a pressure relief device to be trimmend with monel "or other approved material" and to change "teflon coated monel" to read "fluoronated hydrocarbon polymer coated monel" since the word "teflon" is a registered trademark of E. I. du Pont de Nemours and Company.

Section 179.400. The nomenclature used to identify tank cars was questioned by two commenters. In the final rule, "Class DOT–113" is used to refer inclusively to specifications DOT–113A, DOT–113C, DOT–113D, etc. When a specific design is being referred to, it will be identified by a particular specification, for example "DOT–113A60W". This procedure conforms to that stated in section 2–2(b) of AAR Specifications for Tank Cars.

Section 179.400–1. Except for an editorial change, this section is adopted as proposed in the NPRM.

Section 179.400–2. This section is adopted as proposed in the NPRM.

Section 179.400–3. This section has been restructured for clarity. Additionally, a change was made to correct an error in the NPRM which indicated that the tank must have "heads designed concave to pressure." While this is correct for the inner tank heads, it is wrong with regard to the jacket heads. Jacket heads must be designed convex to pressure and this necessary change has been made in the final rule.

Section 179.400–4. The section heading and the requirements in § 179.400–4 are revised. The performance standard proposed in the NPRM has been modified, as suggested by commenters, to allow nitrogen to be used as the test medium rather than the actual lading which may be a flammable gas. In addition, the formulas for heat transfer rates have been defined and clarified.

Section 179.400–5. Two commenters to this section requested that MTB allow the use of nickel steel in the construction of DOT–113D tank cars. MTB is not authorizing nickel steels for newly constructed Class DOT–113 tank cars because this material does not have adequate impact properties when subject to temperatures as low as the design service temperature authorized for these tank cars.

Section 179.400–6. Two commenters requested that in proposed paragraph (b) the words "and stresses" be deleted since the AAR Specifications for Tank Cars specifies "loads". This has been done. An updated section of AAR Specifications for Tank Cars is also referenced.

Section 179.400–7 (proposed § 179.400–8). MTB has deleted the reference to "approved contour" of tank heads since all heads specified meet this requirement.

Section 179.400–8 (proposed § 179.400–7 (a) through (d)). In proposed paragraphs (a) and (b) (which are also paragraphs (a) and (b) herein), the inference that 2:1 or 3:1 ellipsoidal heads are required for the inner tank has been removed by replacing the word "the" with the word "any". Paragraph (d) has been reworded for consistency with the wording in the other paragraphs. Also, the jacket head thickness of ½ inch provides head puncture resistence equivalent to that required of certain other classes of tank cars.

Section 179.400–9 (proposed § 179.400–7(e)). The formula in paragraph (b) (proposed paragraph (e)(1)), which specifies the width of the jacket plate on each side of the stiffening ring, has been corrected. Also as suggested by commenters, MTB has reworded § 179.400–9(c) (proposed as § 179.400–7(e)(2)) to allow differing structural shapes to be credited for stiffening of the outer jacket with external pressure, and to add a provision to require external closed rings be provided with a drain opening to reduce corrosion of the stiffening ring.

Sections 179.400–10, 179.400–12 through 179.400–15, 179–400–18, 179.400–21 through 179.400–23 and 179.400–26. Except for minor corrections and editorial changes, requirements in these sections have been adopted as proposed in the NPRM. Most of the changes were suggested by commenters. The sections

have been renumbered in the sequence normally followed in designing a tank car:

Present	Proposed
179.400-10	179.400-7(f)
179.400-12	179.400-10
179.400-13	179.400-11
179.400-14	179.400-12
179.400-15	179.400-13
179.400-18	179.400-16
179.400-21	179.400-19
179.400-22	179.400-20
179.400-23	179.400-21
179.400-26	179.400-24

Section 179.400-11 (proposed as § 179.400-9). Two commenters suggested in proposed paragraph (a) that "access opening" be changed to "opening" to eliminate the implication that the opening is a manway, and to revise the weld procedures to recognize difficulties in performing a fusion double welded butt joint for certain circumferential closing joints in the cylindrical portion of the outer jacket. MTB agrees with the commenters and has revised paragraphs (a) and (b) accordingly.

Section 179.400-16 (proposed as § 179.400-14). Except for an editorial change, the requirements are adopted as proposed in the NPRM. Two commenters has suggested that the provision in the last sentence in paragraph (b), stating that a cutting torch "may not be used", be revised by using the wording "must not". The term "may not", as used in this sentence, means no person is authorized or permitted to use a cutting torch on the welded closure. This use of the term is consistent with the rule of construction set forth at § 171.9(b)(4).

Section 179.400-17 (proposed as § 179.400-15). Two commenters brought to MTB's attention that the proposed requirements for vacuum insulated loading and unloading lines and insulated shut-off valves in paragraph (a)(1) should apply only to DOT-113A60W tank cars (which are designed only for hydrogen). Other DOT-113 tank cars are designed for the warmer cryogens and the requirements are unnecessary. MTB agrees and has made an appropriate revision.

The commenters also requested that the proposed provision in paragraph (a)(3) requiring vapor phase blowdown line discharge to be directed upward and away from operating personnel be deleted. The commenters indicated that the vapor blowdown valve is used only when the tank car is hooked up to a closed system and that "blowdown flare may be hazardous to personnel." Despite the fact that in normal operations the line will only be opened to a closed system, MTB agrees with the commenters about the hazard of blowdown flare but believes if a flare occurs, for whatever reason (including inadvertently opening the wrong valve), the flare should be directed away from operating personnel. For this reason, MTB has retained this requirement in the final rule.

Section 179.400-19 (proposed as § 179.400-17). Proposed paragraph (b) of this section contained a requirement that a tank car be equipped with a connection for a liquid gage and, in addition, a fixed length dip tube and a vapor phase pressure gage. As recommended by two commenters, the word "liquid" has been removed before the word "gage" and all of paragraph (b) has been reorganized to clarify that a car is required to be equipped with only one of the two alternative methods provided in paragraph (b)(1) to determine the quantity of liquid lading in the car.

Section 179.400-20 (proposed as § 179.400-18). Paragraph (c)(4) has been revised to include a pressure controlling and mixing device on DOT-113A60W tank car, as required in the past by § 179.400-18(c)(3). The requirement in § 179.400-18(c)(3) that the device must prevent venting of certain gas mixtures was inadvertently omitted in the proposal and has been added in paragraph (c)(4)(iii) of the final rule.

Section 179.400-24 (proposed as § 179.400-22). Three commenters took exception to the proposal in paragraph (b) to prohibit marking, stenciling or stamping on shells or heads of inner tanks. One of the commenters pointed out the provision would conflict with requirements for identification markings of plate thickness, material, and welds contained in § AAR.15 (now contained in § AAR 5.1.4) and in Appendix W, § W10.04, of the AAR Specifications for Tank Cars. MTB believes that the structural integrity of a tank at cold temperatures should not be compromised by stamping; however, MTB agrees that there is no valid reason to preclude the marking or stenciling of a tank and these prohibitions have been removed from the final rule. The requirements in the final rule are consistent with present requirements in the AAR Specifications for Tank Cars.

Section 179.400-25 (proposed as § 179.400-23). Two commenters recommended that in proposed paragraph (a) MTB reference the standard stenciling requirements of Appendix C of the AAR Specifications for Tank Cars. MTB believes the commenters' suggestion has merit and has incorporated the change into the final rule at § 179.400-25.

Three commenters maintained that the requirement for marking the name of the hazardous material for which the tank was designed on a tank car is covered by § 173.319 and, therefore, proposed paragraph (b) is unnecessary. MTB agrees with the commenters. Proposed paragraph 173.319(a)(4)(iv) (which has been adopted into the final rule) requires a tank car be marked with the name of the material contained in the tank car during transportation. Therefore, proposed paragraph (b) has been removed. The remaining paragraphs have been redesignated as paragraphs (b), (c), (d), and (e) in this final rule.

Exceptions were taken, in proposed paragraph (c), to the use of the words "minimum loading temperature", on the basis that "design service temperature" was used elsewhere in the proposal to indicate the same thing. MTB agrees with the commenters and has made the change in the final rule.

Finally, exception was taken to the proposals in paragraphs (c) and (d) on the basis that these requirements would conflict with a suggestion by the commenters that the filling density volume be marked on the tank. This suggestion was tied to a suggested revision to the definition of filling density in § 173.300 of the NPRM. MTB has not adopted this revision to the definition of filling density in § 173.300 and therefore, has not incorporated these additional changes suggested here.

Section 179.401-1. Except for minor changes in terminology due to changes elsewhere in the rule, this section is adopted as proposed in the NPRM.

List of Subjects

49 CFR Part 171

Hazardous materials transportation, Reporting and recordkeeping requirements.

49 CFR Part 172

Hazardous materials transportation.

49 CFR Part 173

Gases, Hazardous materials transportation, Packaging and containers, Reporting and recordkeeping requirements.

49 CFR Part 174

Hazardous materials transportation, Railroad safety.

49 CFR Part 176

Hazardous materials transportation, Maritime carriers, Cargo vessels.

49 CFR Part 177

Motor carriers, Hazardous materials transportation, Highway safety.

49 CFR Part 178

Hazardous materials transportation, Packaging and containers.

49 CFR Part 179

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Parts 171, 172, 173, 174, 176, 177, 178 and 179 of Title 49 Code of Federal Regulations are amended as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. In § 171.1, paragraph (a)(3)(iii) is added to read as follows:

§ 171.1 Purpose and scope.

* * * * *

(a) * * *

(3) * * *

(iii) Flammable cryogenic liquids in portable tanks and cargo tanks.

* * * * *

2. In § 171.7, paragraphs (c)(3), (d)(3)(v) and (d)(12) are revised and paragraphs (d)(3)(ix) and (d)(5)(xix) through (d)(5)(xxiii) are added to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * *

(c) * * *

(3) CGA: Compressed Gas Association, Inc., 1235 Jefferson Davis Highway, Arlington, Virginia 22202.

* * * * *

(d) * * *

(3) * * *

(v) CGA Pamphlet S–1.2 is titled, "Pressure Relief Device Standards, Part 2, Cargo and Portable Tanks for Compressed Gases," 1980 edition:

* * * * *

(ix) CGA Pamphlet G–4.1 is titled, "Cleaning Equipment for Oxygen Service," 1977 edition.

* * * * *

(5) * * *

(xix) ASTM A 20–81 is titled, "Standard Specification for General Requirements for Steel Plates for Pressure Vessels," revision C, 1982 edition.

(xx) ASTM A 240–82 is titled, "Standard Specification for Heat-Resisting Chromium and Chromium-Nickel Stainless Steel Plate, Sheet and Strip for Fusion-Welded Unfired Pressure Vessels," revision A, 1982 edition.

(xxi) ASTM A 370–77 is titled, "Standard Methods and Definition for Mechanical Testing of Steel Products," 1982 edition.

(xxii) ASTM A 516–79b is titled, "Standard Specification for Pressure Vessel Plates, Carbon Steel, for Moderate- and Lower-Temperature Service," 1982 edition.

(xxiii) ASTM A 537–80 is titled "Standard Specification for Pressure Vessel Plates, Heat-Treated, Carbon-Manganese-Silicon Steel," 1982 edition.

* * * * *

(12) Federal Standard H28 is titled, "Screw-Thread Standards for Federal Services," March 31, 1978, edition.

3. In § 171.8, definitions for "atmospheric gases," "Btu," "cryogenic liquid," "filling density," "NPT" and "SCF" are added in alphabetical sequence to read as follows:

§ 171.8 Definitions and abbreviations.

* * * * *

"Atmospheric gases" means gases that are commercially derived through an air separation process. For purposes of this subchapter, "atmospheric gases" means argon, krypton, neon, nitrogen, oxygen and xenon.

* * * * *

"Btu" means British thermal unit.

* * * * *

Cryogenic liquid. See § 173.300(f).

* * * * *

"Filling density" has the following meanings:

(1) For compressed gases in cylinders, see § 173.304(a)(2) Table Note 1.

(2) For compressed gases in tank cars, see § 173.314(c) Table Note 1.

(3) For compressed gases in cargo tanks and portable tanks, see § 173.315(a) Table Note 1.

(4) For cryogenic liquids in cylinders, except hydrogen, see § 173.316(c)(1).

(5) For hydrogen, cryogenic liquid in cylinders, see § 173.316(c)(3) Table Note 1.

(6) For cryogenic liquids in cargo tanks, see § 173.318(f)(1).

(7) For cryogenic liquids in tank cars, see § 173.319(d)(1).

* * * * *

"NPT" means an American Standard taper pipe thread in compliance with the requirements of Federal Standard H28, Part II, Section VII. See § 171.7(d)(12).

* * * * *

"SCF" (standard cubic foot) means one cubic foot of gas measured at 60° F. and 14.7 psia.

* * * * *

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

4. In § 172.101, the Hazardous Materials Table is amended by removing, revising and adding various entries, in alphabetical sequence, as follows:

§ 172.101 Hazardous Materials Table

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	Remove										
	Argon, liquid pressurized	Nonflammable gas	UN 1951	Nonflammable gas	None	173.304	Forbidden	300 pounds	1,3	1,3	
	Carbon dioxide, liquified	Nonflammable gas	UN 2187	Nonflammable gas	173.306	173.304 173.314 173.315	150 pounds	300 pounds	1,2	1,2	
+	Hydrogen, liquefied	Flammable gas	UN 1966	Flammable gas	None	173.316	Forbidden	Forbidden			Forbidden
	Nitrogen, pressurized liquid	Nonflammable gas	UN 1977	Nonflammable gas	None	173.304	Forbidden	300 pounds	1,3	1,3	
	Oxygen, pressurized liquid	Nonflammable gas	UN 1073	Oxidizer	None	173.304	Forbidden	Forbidden	1,3	1,3	Stow separate from acetylene. Do not overstow with other cargo.

(1)	(2)	(3)	(3A)	(4)	(5)		(6)		(7)		
					Packaging		Maximum net quantity in one package		Water shipments		
+EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required if not excepted)	Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
	Revise										
	Argon	Nonflammable gas	NA 1006	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,3	
+	Ethane	Flammable gas	NA 1035	Flammable gas	173.306	173.304	Forbidden	300 pounds	1,2	4	Stow away from living quarters.
+	Ethylene	Flammable gas	NA 1962	Flammable gas	173.306	173.304	Forbidden	300 pounds	1,2	4	Stow away from living quarters.
	Helium	Nonflammable gas	NA 1046	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	
+	Hydrogen	Flammable gas	NA 1049	Flammable gas	173.306	173.302 173.314	Forbidden	300 pounds	1,2	4	Stow away from living quarters.
E	Hydrogen chloride (*RQ-5000/2270*)	Nonflammable gas	NA 1050	Nonflammable gas	173.306	173.304	Forbidden	300 pounds	1	4	Stow away from foodstuff and living quarters.
+	Methane	Flammable gas	NA 1971	Flammable gas	173.306	173.302	Forbidden	300 pounds	1,2	4	Stow away from living quarters.
	Neon	Nonflammable gas	NA 1065	Nonflammable gas	173.306	173.302	150 pounds	300 pounds	1,2	1,2	
	Nitrogen	Nonflammable gas	NA 1066	Nonflammable gas	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	
	Nitrous oxide	Nonflammable gas	NA 1070	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,2	1,2	Under deck stowage must be in well ventilated space.
	Oxygen	Nonflammable gas	NA 1072	Oxidizer	173.306	173.302 173.314	150 pounds	300 pounds	1,2	1,2	Under deck stowage must be in well ventilated space.
	ADD										
	Argon, cryogenic liquid	Nonflammable gas	NA 1951	Nonflammable gas	173.320	173.316 173.318	100 pounds	300 pounds	1,3	1,3	
	Carbon dioxide	Nonflammable gas	UN 1013	Nonflammable gas	173.306	173.302 173.304	150 pounds	300 pounds	1,2	1,2	
	Carbon dioxide, liquid (*refrigerated*)	Nonflammable gas	NA 2187	Nonflammable gas	173.306	173.314 173.315	150 pounds	300 pounds	1,2	1,2	
	Carbon monoxide, cryogenic liquid	Flammable gas	NA 9202	Flammable gas	None	173.318	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Ethane, liquid (*refrigerated*)	Flammable gas	NA 1961	Flammable gas	None	173.315	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Ethane-Propane mixture, liquid (*refrigerated*)	Flammable gas	NA 1961	Flammable gas	None	173.315	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Ethylene, cryogenic liquid	Flammable gas	NA1038	Flammable gas	None	173.318 173.319	Forbidden	Forbidden	1,3	5	Stow away from living quarters.
	Helium, cryogenic liquid	Non-flammable gas.	NA 1963	Non-flammable gas.	173.320	173.316 173.318	100 pounds	1,100 pounds.	1,3	1,3	
	Hydrogen, cryogenic liquid	Flammable gas	NA 1966	Flammable gas	None	173.316 173.318 173.319	Forbidden	Forbidden	5	5	
E	Hydrogen chloride liquid (*refrigerated*) (*RQ-5000/2270*)	Nonflammable gas	NA 2186	Nonflammable gas	None	173.314 173.315	Forbidden	300 pounds	1,2	4	Stow in well ventilated space.
	Methane, cryogenic liquid	Flammable gas	NA 1972	Flammable gas	None	173.318	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Natural gas, cryogenic liquid	Flammable gas	NA1972	Flammable gas	None	173.318	Forbidden	Forbidden	1	5	Stow away from living quarters.
	Neon, cryogenic liquid	Nonflammable gas	NA1913	Nonflammable gas	173.320	173.316	100 pounds	1,100 pounds.	1,3	1,3	
	Nitrogen, cryogenic liquid	Nonflammable gas	NA1977	Nonflammable gas	173.320	173.316 173.318	100 pounds	1,100 pounds.	1,3	1,3	
	Nitrous oxide, liquid (*refrigerated*)	Nonflammable gas	NA 2201	Nonflammable gas	173.306	173.315	Forbidden	Forbidden	1	1	Stow away from flammables. Do not overstow with other cargo.
	Oxygen, cryogenic liquid	Nonflammable gas	NA 1073	Oxidizer	173.320	173.316 173.318	Forbidden	Forbidden	1	1	Stow separate from flammables. Do not overstow with other cargo.

5. In § 172.203, paragraph (g)(3) is added to read as follows:

§ 172.203 Additional description requirements.

* * * * *

(g) * * *

(3) The shipping paper for each Class DOT-113 tank car must contain the appropriate notation, such as "DOT-113A," and the statement "Do Not Hump or Cut Off Car While in Motion."

* * * * *

6. In § 172.328, the introductory text of paragraph (c) is revised to read as follows:

§ 172.328 Cargo tanks.

* * * * *

(c) *Required markings: Gases.* Each cargo tank transporting flammable or nonflammable gas (including a cryogenic liquid) subject to this subchapter must be marked as specified

in this part on each end and each side with—

* * * * *

7. In § 172.504, Table 2 is amended by removing the entry for "Nonflammable gas (oxygen, pressurized liquid)", replacing it with an entry for "Nonflammable gas (oxygen, cryogenic liquid)" and footnote 2 is removed and reserved, as follows:

§ 172.504 General placarding requirements.

* * * * *

TABLE 2

If the motor vehicle, rail car, or freight container contains a material classed (described) as—	The motor vehicle, rail car, or freight container must be placarded on each side and each end—
(Remove)	
Nonflammable gas (oxygen, pressurized liquid).	Oxygen.
(Add)	
Nonflammable gas (oxygen, cryogenic liquid).	Oxygen.

* * * * *

[2] [Reserved]

* * * * *

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

8. The Table of Sections to Part 173 is amended by revising the headings for §§ 173.315 and 173.316 and adding headings for §§ 173.11, 173.318, 173.319 and 173.320 to read as follows:

Subpart A—General

* * * * *

Sec.
173.11 Shipper's registration statement; flammable cryogenic liquids.

* * * * *

Subpart G—Compressed gases; definition and preparation

* * * * *

173.315 Compressed gases in cargo tanks and portable tanks.
173.316 Cryogenic liquids in cylinders.
173.318 Cryogenic liquids in cargo tanks.
173.319 Cryogenic liquids in tank cars.
173.320 Cryogenic liquids; exceptions.

* * * * *

9. Section 173.11 is added to read as follows:

§ 173.11 Shipper's registration statement; flammable cryogenic liquids.

(a) No person may offer a flammable cryogenic liquid for transportation in a portable tank, cargo tank or a tank car unless he has filed a registration statement by certified mail, return receipt requested, with the Associate Director for HMR, MTB, in accordance with paragraphs (b), (c) and (d) of this section.

(b) The registration statement must contain the following information:

(1) The shipper's name and principal place of business;

(2) Location where flammable cryogenic liquids are offered for transportation, including transportation by private carriage;

(3) The name and principal place of business of each initial carrier used to transport flammable cryogenic liquids and the name of each flammable cryogenic liquid the carrier is offered for transportation; and

(4) The serial number or vehicle identification number of each portable tank and cargo tank, and the reporting mark and number of each tank car, owned, leased, or otherwise controlled by the shipper and used to offer a flammable cryogenic liquid for transportation.

(c) The registration statement must be filed:

(1) Initially between July 1 and August 31, 1984 (this initial statement is only required to contain information regarding operations that took place during the 90 days prior to the date of the statement); and

(2) Subsequently, between July 1 and August 31 of each even numbered year after 1984.

(d) For operations begun between the two-year filing intervals specified in paragraph (c) of this section, the information must be provided on the registration statement filed during the next required filing period.

10. In § 173.23, paragraph (d) is added to read as follows:

§ 173.23 Previously authorized packaging.

* * * * *

(d) After January 1, 1984, cylinders manufactured for use under exemptions DOT E-6668 or E-8404 may be continued in use, and must be marked "DOT-4L" in compliance with Specification 4L (§ 178.57 of this subchapter) before or at the time of the first required retest. The "DOT-4L" marking must appear in proximity to other required specification markings.

11. In § 173.31, paragraphs (a)(8), (a)(9) and (c)(13) are added; Retest Table I, which now appears after paragraph (d)(4), is amended by removing certain entries and adding others in the proper number/alphabet sequence and transferred to immediately follow paragraph (c)(13); footnote "s" following Retest Table I is revised to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

(a) * * *

(8) The owner or operator, if not the owner, of each tank car used under, and in conformance with, an exemption issued before January 1, 1984, which authorizes the transportation of a cryogenic liquid in a tank car, shall remove the exemption number stenciled on the car and stamp the tank car with the appropriate Class DOT-113 Specification followed by the applicable exemption number, for example, "DOT-113D60W-E****." (Asterisks to be replaced by the exemption number.) The owner or operator, if not the owner, of a tank car that is remarked in this manner must retain a copy of the exemption that is in effect on December 31, 1983. No new construction of such tank cars may be initiated on or after January 1, 1984.

(9) Specification DOT-113A175W, DOT-113C60W, DOT-113D60W, and DOT-113D120W tank cars may continue in use, but new construction is not authorized.

* * * * *

(c) * * *

(13) *Special requirements for Class DOT-113 tank cars.*

(i) A Class DOT-113 tank car need not be periodically pressure tested; however, each shipment must be monitored to determine the average daily pressure rise in the tank car. If the average daily pressure rise during any shipment exceeds 3 psi per day, the tank car must be retested for thermal integrity prior to any subsequent shipment.

(ii) Thermal integrity retest. Either of the following alternative thermal integrity retests may be used:

(A) *Pressure rise retest:* The pressure rise in the tank may not exceed 5 psi in 24 hours. When the pressure rise retest is performed, the absolute pressure in the annular space of the loaded tank car may not exceed 75 microns of mercury at the beginning of the retest, and may not increase more than 25 microns during the 24 hour period; or

(B) *Calculated heat transfer rate retest:* The insulation system must be performance tested as prescribed in § 179.400-4 of this subchapter. When the calculated heat transfer rate retest is performed, the absolute pressure in the annular space of the loaded tank car may not exceed 75 microns of mercury at the beginning of the retest, and may not increase more than 25 microns during the 24 hour period. The calculated heat transfer rate in 24 hours may not exceed—

(*1*) 120 percent of the appropriate standard heat transfer rate specified in § 179.401-1 of this subchapter, for DOT-113A60W and DOT-113C120W tank cars;

(2) .1164 Btu/day/lb. of inner tank water capacity, for DOT-113A175W tank cars;

(3) .3272 Btu/day/lb. of inner tank water capacity, for DOT-113C60W and 113D60W tank cars; or

(4) .4740 Btu/day/lb. of inner tank water capacity, for DOT-113D120W tank cars.

(iii) If the car fails either of the retests prescribed in paragraph (c)(13)(ii) of this section, the car must be removed from service and may not be placed back in service until one of the applicable retests in paragraph (c)(13)(ii) of this section is successfully completed.

(iv) Each frangible disc must be replaced every 12 months and the replacement date stenciled on the car near the pressure relief value information.

(v) An alternate pressure relief valve must be retested at the same time interval prescribed for the required pressure relief valve. The start-to-discharge pressure and vapor tight pressure requirements for the alternate pressure relief valve must be as shown in § 179.401-1 of this subchapter.

RETEST TABLE 1

Specification	Retest interval years[1]			Safety relief valve	Tank	Retest pressure—p.s.i.	
	Tank and interior heater systems					Safety relief valve	
	Up to 10 years	Over 10 to 22 years	Over 22 years			Start-to-discharge	Vapor tight
(Remove)							
DOT-113A60W	(*)	(*)	(*)	5	(*)	30	24
DOT-113A175W	(*)	(*)	(*)	5	(*)	115	95
(Add)							
DOT-113A60W	(*)	(*)	(*)	5	(*)	(*)30	(*)24
DOT-113A175W	(*)	(*)	(*)	5	(*)	(*)115	(*)92
DOT-113C60W	(*)	(*)	(*)	5	(*)	(*)45	(*)36
DOT-113C120W	(*)	(*)	(*)	5	(*)	(*)75	(*)60
DOT-113D60W	(*)	(*)	(*)	5	(*)	(*)45	(*)36
DOT-113D120W	(*)	(*)	(*)	5	(*)	(*)75	(*)60
*	*	*	*	*	*	*	

[1] See paragraph (c)(13) of this section for additional requirements for Class DOT-113 cars.

* * * * *

12. In § 173.33, all references to "carbon dioxide" are changed to read "carbon dioxide, liquid (*refrigerated*)" and all references to "nitrous oxide" are changed to read "nitrous oxide, liquid (*refrigerated*)", paragraphs (a) and (b) are revised, and paragraphs (d) (1), (2) and (4) are revised to read as follows:

§ 173.33 Qualification, maintenance, and use of cargo tanks.

(a) *General:* Unless otherwise provided in this Part, every cargo tank (or compartment) used for the transportation of hazardous materials must be an authorized packaging. Such authorized packaging shall comply with requirements as set forth in this section, in addition to those regulations applicable for the transportation of the particular material. For the purposes of this Part, whenever reference is made to a Specification MC-338 insulated cargo tank, the definitions in §§ 178.338-1 (a) and (b) of this subchapter apply.

(1) A cargo tank is authorized for shipment of a hazardous material by vessel when in conformance with the requirements of Part 176 of this subchapter and the following limitations:

(i) On carfloats or trailerships if the material is permitted aboard a cargo vessel by § 172.101 of this subchapter, or

(ii) On passenger ferry vessels or railroad car ferry vessels if the material is permitted aboard a passenger vessel by § 172.101 of this subchapter.

(2) [Reserved]

(b) Cargo tank qualification as an authorized packaging requires compliance with the applicable specification MC-300, MC-301, MC-302, MC-303, MC-304, MC-305, MC-306, MC-307, MC-310, MC-311, MC-312, MC-330, MC-331, or MC-338 (§ 178.341, § 178.342, § 178.343, § 178.337 or § 178.338 of this subchapter), this section, and the inspection, retest and marking requirements of § 177.824 of this subchapter. Any specification MC-304 cargo tank on which construction began before September 2, 1967, may have the vents and outlets modified to comply with specification MC-307 cargo tanks (See §§ 178.342-4 and 178-342-5).

(1) A cargo tank of the specification listed in Column 1 may be used when authorized in this Part, provided the tank construction began before the date in Column 2:

Column 1	Column 2
MC-300	Sept. 2, 1967.
MC-301	June 12, 1961.
MC-302, MC-303, MC-304, MC-305, MC-310, MC-311.	Sept. 2, 1967.
MC-330	May 15, 1967.

(2) The owner or operator, if not the owner, of each cargo tank used under, and in conformance with, an exemption issued before January 1, 1984, which authorizes the transportation of a cryogenic liquid in a cargo tank, shall remove the exemption number stenciled on the cargo tank and stamp the specification plate (or a plate placed adjacent to the specification plate) "DOT MC-338" followed by the applicable exemption number, for example, "DOT MC-338-E****." (Asterisks to be replaced by the exemption number.) The owner or operator, if not the owner, of a cargo tank that is remarked in this manner must retain a copy of the exemption in effect on December 1, 1983. No new construction of such cargo tanks may be initiated on or after January 1, 1984.

(i) The holding time must be determined, as required in § 178.338-9 of this subchapter, on each cargo tank or on at least one cargo tank of each design. Any subsequent cargo tank manufactured to the same design, if not individually tested, must have the optional test regimen performed during the first shipment (see §§ 178.338-9 (b) and (c) of this subchapter). For the purpose of performing the holding time test, same design means cargo tanks having the same manufacturer, same drawings, same dimensions (of length, diameter, and volume), same materials of construction, and the same insulation system.

(ii) The holding time determined by test for one authorized cryogenic liquid may be used as the basis for establishing the holding time for other authorized cryogenic liquids.

(3) The owner or operator, if not the owner, of each MC-331 (§ 178.337 of this subchapter) cargo tank operating under an exemption issued before January 1, 1984, that authorizes the transportation of ethane, liquid (*refrigerated*); ethane-propane mixture, liquid (*refrigerated*); or hydrogen chloride, liquid (*refrigerated*) shall remove the exemption number stenciled on the cargo tank and stamp the exemption number on the specification plate immediately after the DOT Specification, for example, "DOT MC-331-E* * * *." (Asterisks to be replaced by the exemption number.) If there is not adequate room on the specification plate, the exemption number may be stamped on a plate placed adjacent to the specification plate. The owner or operator, if not the owner, of a cargo tank that is remarked in this manner must retain a copy of the exemption in effect on December 31, 1983.

* * * * *

(d) A Specification MC-330, MC-331 or MC-338 (§ 178.337 or § 178.338 of the subchapter) cargo tank may not be used unless it meets the following requirements, as applicable:

(1) Each cargo tank must be tested and inspected at least once every 5 years in accordance with paragraphs (d)(2), (3), (4), (10), (11) and (12) of this section.

(i) The tank, and each pressure relief valve, of any cargo tank used for the transportation of chlorine must be tested at least once every 2 years.

(ii) Each cargo tank used to transport a flammable cryogenic liquid must be examined after each shipment to determine its actual holding time. The record required by § 177.840(h) of this subchapter may be used for this determination. If the examination indicates that the actual holding time of the cargo tank, after adjustment to reflect an average ambient temperature of 85° F., is less than 90 percent of the marked rated holding time (MRHT) for the cryogenic liquid marked on the specification plate or adjacent thereto (§ 178.338-18(b) of this subchapter), the tank may not be refilled with any flammable cryogenic liquid until it is restored to its marked rated holding time value or it is re-marked with the actual marked rated holding time determined by this examination. If the name of the flammable cryogenic liquid that was transported and its marked rated holding time is not displayed on or adjacent to the specification plate, this requirement may be met by deriving the MRHT of the cargo tank for that flammable cryogenic liquid and comparing that derived MRHT with the actual holding time after adjustment.

(2) Each tank (less fittings) must be subjected to a minimum internal pressure as shown below:

Specification	Ratio[1]
MC-330, MC-331	1⅔
MC-338	1¼

[1] Ratio of test pressure to the design pressure (maximum allowable working pressure or re-rated pressures) of the test.

The internal pressure may be hydraulically or pneumatically generated. If a pneumatic test is used, a suitable method must be used for detecting the existence of leaks at all joints under pressure. This method must consist either of coating the entire surface of all joints under pressure with a solution of soap and water, or using another equally sensitive method. When a pneumatic test is performed, suitable safeguards should be provided to protect employees and other persons should a failure occur.

* * * * *

(4) When testing cargo tanks, the insulation and jacketing need not be removed unless it is otherwise impossible to reach test pressure and maintain a condition of pressure equilibrium after test pressure is reached, or the vacuum integrity cannot be maintained in the insulation space.

* * * * *

13. In § 173.300, paragraph (g) is removed, paragraph (f) is redesignated paragraph (g), and a new paragraph (f) is added to read as follows:

§ 173.300 Definitions.

* * * * *

(f) *Cryogenic liquid.* A "cryogenic liquid" is a refrigerated liquefied gas having a boiling point colder than −130°F. (−90°C.) at one atmosphere, absolute.

* * * * *

14. In § 173.304, the text of paragraph (a)(2) preceding the Table is revised, paragraph (a)(2) Table is amended by removing the entries for "Argon, pressurized liquid," "Carbon dioxide, liquefied," "nitrogen, pressurized liquid" and "Oxygen, pressurized liquid," and by adding an entry for "Carbon dioxide", and paragraph (b) is revised to read as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

(a) * * *

(2) The following requirements must be complied with for the gases named (for cryogenic liquids, see § 173.316):

Kind of gas	Maximum permitted filling density (see note 1)	Containers marked as shown in this column or of the same type with higher service pressure must be used except as provided in §§ 173.34 (a) and (b), and 173.301(j) (see notes following table)
(Remove)		
Argon, pressurized liquid.	115	DOT-4L200.
Carbon dioxide, liquefied (see Notes 4, 7 and 8).	68	DOT-3A1800; DOT-3AX1800, DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.
Nitrogen, pressurized liquid.	68	DOT-4L200.
Oxygen, pressurized liquid.	96	DOT-4L200.
(Add)		
Carbon dioxide (see Notes 4, 7, and 8).	68	DOT-3A1800; DOT-3AX1800, DOT-3AA1800; DOT-3AAX1800; DOT-3; DOT-3E1800; DOT-3T1800; DOT-3HT2000; DOT-39.

* * * * *

(b) *Filling limits.* Except for carbon dioxide, nitrous oxide and vinyl fluoride, inhibited, the liquid portion of a liquefied gas must not completely fill the packaging at any temperature up to and including 130°F. The liquid portion of vinyl fluoride, inhibited, may completely fill the cylinder at 130°F. provided the pressure at the critical temperature does not exceed one and one-fourth times the service pressure.

* * * * *

15. In § 173.314, paragraphs (b)(6) and (c) preceding the Table are revised, the Table in paragraph (c) is amended by removing, revising and adding various entries, in alphabetical sequence, Note 17 to the Table in paragraph (c) is revised, paragraph (g) is redesignated paragraph (h), and a new paragraph (g) is added to read as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(b) * * *

(6) Each tank car containing anhydrous ammonia; hydrogen chloride, liquid (*refrigerated*); or chlorine must be marked "Anhydrous Ammonia," "Hydrogen Chloride," or "Chlorine," as appropriate, in accordance with the requirements of § 172.330 of this subchapter.

(c) *Authorized gases, filling densities, tank cars.* A compressed gas offered for transportation in a tank car must be prepared in accordance with paragraphs (b) and (h) of this section, § 173.432, and the following table (for cryogenic liquids, see § 173.319):

Kind of gas	Maximum permitted filling density, Note 1	Required tank car, see § 173.31(a) (2) and (3)
(Remove)		
Carbon dioxide, liquefied.	Note 5	DOT-105A500W, Note 6.
(Add)		
Carbon dioxide, liquid (*refrigerated*).	Note 5	DOT-105A500W, Note 6.
Hydrogen chloride, liquid (*refrigerated*).	89.0 maximum to 80.1 minimum at maximum 90 psig, when offered for transportation.	DOT-105A600W, Note 17.
(Revise)		
Vinyl fluoride, inhibited.	59.6 maximum to 53.6 minimum at maximum 105 psig, when offered for transportation.	DOT-105A600W, Note 17.

* * * * *

Note 17.—See paragraph (g) of this section.

* * * * *

(g) *Special requirements for hydrogen chloride, liquid (refrigerated), and vinyl fluoride, inhibited.*

(1) The shipper shall notify the Bureau of Explosives whenever a car is not received by the consignee within 20 days from the date of shipment.

(2) Prior to the release of an "empty" car for transportation, the pressure in the car may not exceed 70 psig.

(3) A tank car containing hydrogen chloride, liquid (*refrigerated*) must have the auxiliary valve on the pressure relief device closed during transportation.

* * * * *

16. In § 173.315, all references to "carbon dioxide" are changed to read "carbon dioxide, liquid (*refrigerated*)" and all references to "nitrous oxide" are changed to read "nitrous oxide, liquid (*refrigerated*)", the introductory text of paragraph (a) is revised, the Table in paragraph (a) is amended by adding certain entries in alphabetical sequence, Note 11 to the Table in paragraph (a), and paragraph (c) are revised, and the Table in paragraph (h) is amended by adding certain entries in alphabetical sequence to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tanks.

(a) A compressed gas offered for transportation in a cargo tank or a portable tank must be prepared in accordance with this section (for cryogenic liquids, see § 173.318) and may only be shipped in a tank as provided in §§ 173.32, 173.33 and this section, as follows:

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see note 1)	Percent by volume (see par. (f) of this section)	Type (see note 2)	Minimum design pressure (psig)
(Remove)				
Carbon dioxide, liquefied	See par. (c) of this section.	95	do	200; see Note 3
Nitrous oxide	See par. (c) of this section.	95	do	200; see Note 3.
(Add)				
Carbon dioxide, liquid (*refrigerated*)	See par. (c) of this section.	95	do	200; see Note 3.
Ethane, liquid (*refrigerated*)		See par. (c) of this section.	MC-331, MC-338	100; see Note 11.
Ethane-propane mixture, liquid (*refrigerated*).		See par. (c) of this section.	MC-331, MC-338	275; see Note 11
Hydrogen chloride, liquid (*refrigerated*)	103.0, 91.6, 86.7	See Note 7	MC-331, Mc-338	100; see Note 11. 300; see Note 11. 450; see Note 11.
Nitrous oxide, liquid (*refrigerated*)	See par. (c) of this section.	95	do	200; See Note 3.

* * * * * * *

Note 11: MC-330, MC-331 and MC-338 cargo tanks must be insulated. Cargo tanks must meet all the following requirements. Each tank must have a design service temperature of minus 100°F., or no warmer than the boiling point at one atmosphere of the hazardous material to be shipped therein, whichever is colder, and must comply with the low-temperature requirements of the ASME Code. When the normal travel time is 24 hours or less, the tank's holding time as loaded must be at least twice the normal travel time. When the normal travel time exceeds 24 hours, the tank's holding time as loaded must be at least 24 hours greater than the normal travel time. The holding time is the elapsed time from loading until venting occurs under equilibrium conditions. The cargo tank must have an outer jacket made of steel when the cargo tank is used to transport a flammable gas.

* * * * * * *

(c) Except as otherwise provided, the loading of a liquefied gas into a cargo tank or a portable tank shall be determined by weight or by a suitable liquid level gauging device. The liquid portion of the gas shall not fill the tank at 105°F. if the tank is lagged, or at 115°F. if the tank is unlagged, except that this requirement shall not apply to—

(1) A tank containing carbon dioxide, liquid *(refrigerated)* or nitrous oxide, liquid *(refrigerated)*. Such tank is required to be equipped with suitable pressure control valves and may not be filled to a level exceeding 95 percent of the volumetric capacity of the tank.

(2) A tank containing ethane, liquid *(refrigerated)*; ethane-propane mixture, liquid *(refrigerated)*; or hydrogen chloride, liquid *(refrigerated)*. Such tank must be filled to allow at least two percent outage below the inlet of the pressure relief valve or pressure control valve under conditions of incipient opening, with the tank in a level attitude.

* * * * * * *

(h) * * *

Kind of gas	Gauging device permitted for filling purposes
(Remove)	
Carbon dioxide, liquefied	Rotary tube; adjustable slip tube; fixed length dip tube.
Nitrous oxide	Rotary tube; adjustable slip tube; fixed length dip tube.
(Add)	
Carbon dioxide, liquid (*refrigerated*).	Rotary tube; adjustable slip tube; fixed length dip tube.
Ethane, liquid (*refrigerated*)	Rotary tube; adjustable slip tube; fixed length dip tube.
Ethane-propane mixture, liquid (*refrigerated*).	Rotary tube; adjustable slip tube; fixed length dip tube.
Hydrogen chloride, liquid (*refrigerated*).	None.
Nitrous oxide, liquid (*refrigerated*).	Rotary tube; adjustable slip tube; fixed length dip tube.

* * * * * *

17. In Part 173, § 173.316 is revised to read as follows:

§ 173.316 Cryogenic liquids in cylinders.

(a) *General requirements.*

(1) A cylinder may not be loaded with a cryogenic liquid colder than the design service temperature of the packaging.

(2) A cylinder may not be loaded with any material which may combine chemically with any residue in the packaging to produce an unsafe condition.

(3) The jacket covering the insulation on a cylinder used to transport any flammable cryogenic liquid must be made of steel.

(4) A valve or fitting made of aluminum with internal rubbing or abrading aluminum parts that may come in contact with oxygen in the cryogenic liquid form may not be installed on any cylinder used to transport oxygen, cryogenic liquid.

(5) An aluminum valve, pipe or fitting may not be installed on any cylinder used to transport any flammable cryogenic liquid.

(6) Each cylinder must be provided with one or more pressure relief devices, which must be installed and maintained in compliance with the requirements of this subchapter.

(7) Each pressure relief device must be installed and located so that the cooling effect of the contents during venting will

not prevent effective operation of the device.

(8) The maximum weight of the contents in a cylinder with a design service temperature colder than −320° F. may not exceed the design weight marked on the cylinder (see § 178.57–20(a)(4) of this subchapter).

(b) *Pressure control valves.* Each cylinder containing a cryogenic liquid must have a pressure control valve that complies with § 173.34(d) and is designed and installed so that it will prevent the cylinder from becoming liquid full.

(c) *Specification cylinder requirements and filling limits.* Specification 4L cylinders (§ 178.57 of this subchapter) are authorized for the shipment of cryogenic liquids as follows:

(1) For purposes of this section, "filling density," except for hydrogen, is defined as the percent ratio of the weight of lading in the packaging to the weight of water that the packaging will hold at 60° F. (1 lb. of water = 27.737 cubic inches at 60° F.).

(2) The cryogenic liquids of argon, nitrogen, oxygen, helium and neon must be loaded and shipped in accordance with the following table:

Pressure control valve setting (Maximum start-to-discharge pressure, psig)	Maximum permitted filling density (percent by weight)				
	Argon	Nitrogen	Oxygen	Helium	Neon
45	133	76	108	12.5	109
75	130	74	105	12.5	104
105	127	72	103	12.5	100
170	122	70	100	12.5	92
230	119	69	98	12.5	85
295	115	69	96	12.5	77
360	113	65	93	12.5	
Design Service Temperature	−320°F	−320°F	−320°F	−452°F	−411°F

(3) *Hydrogen (minimum 95 percent parahydrogen)* must be loaded and shipped as follows:

Column 1	Column 2
Design service temperature	Minus 423° F. or colder.
Maximum permitted filling density, based on cylinder capacity at minus 423° F (see Note 1).	6.7 percent.
The pressure control valve must be designed and set to limit the pressure in the cylinder to not more than.	17 psig.

Note 1.—The filling density for hydrogen, cryogenic liquid is defined as the percent ratio of the weight of lading in a packaging to the weight of water that the packaging will hold at minus 423° F. The volume of the packaging at minus 423° F is determined in cubic inches. The volume is converted to pounds of water (1 lb. of water = 27.737 cubic inches).

(i) Each cylinder must be constructed, insulated and maintained so that during transportation the total rate of venting shall not exceed 30 SCF of hydrogen per hour.

(ii) In addition to the marking requirements in § 178.57–20 of this subchapter, the total rate of venting in SCF per hour (SCFH) shall be marked on the top head or valve protection band in letters at least one-half inch high as follows: "VENT RATE**SCFH" (with the asterisks replaced by the number representing the total rate of venting, in SCF per hour).

(iii) Carriage by highway is subject to the conditions specified in § 177.840(a) of this subchapter.

18. In Part 173, § 173.318 is added to read as follows:

§ 173.318 Cryogenic liquids in cargo tanks.

(a) *General requirements.*

(1) A cargo tank may not be loaded with a cryogenic liquid colder than the design service temperature of the packaging.

(2) A cargo tank may not be loaded with any material that may combine chemically with any residue in the packaging to produce an unsafe condition (see § 178.338–15).

(3) The jacket covering the insulation on a tank used to transport a cryogenic liquid must be made of steel if the cryogenic liquid—

(i) Is to be transported by vessel (see §§ 173.320(a)(4) and 176.76(h)(1) of this subchapter); or

(ii) Is oxygen or a flammable material.

(4) A valve or fitting made of aluminum with internal rubbing or abrading aluminum parts that may come in contact with oxygen in the cryogenic liquid form may not be installed on any cargo tank used to transport oxygen, cryogenic liquid.

(5) An aluminum valve, pipe or fitting, external to the jacket may not be installed on any cargo tank used to transport oxygen, cryogenic liquid or any flammable cryogenic liquid.

(6) A cargo tank used to transport oxygen, cryogenic liquid must be provided with a manhole (see § 178.338–6 of this subchapter).

(b) *Pressure relief devices and pressure control valves.*

(1) *General requirements.*

(i) Each tank must be protected by a primary system of one or more spring loaded pressure relief valves and, except for tanks in carbon monoxide service, by a secondary system of one or more frangible discs arranged to discharge upward and unobstructed to the outside of the protective housing in such a manner as to prevent impingement of gas upon the jacket or any structural part of the vehicle. For tanks in carbon monoxide service, the secondary system must be comprised of one or more pressure relief valves instead of the frangible discs.

(ii) Each pressure relief device must be designed and constructed for a pressure equal to or exceeding the tank's design pressure at the coldest temperature reasonably expected to be encountered.

(iii) The rated relieving capacity for each pressure relief valve, pressure control valve and frangible disc must be as determined by the flow formulas contained in paragraph 4.3.4 of CGA Pamphlet S–1.2.

(iv) Each pressure relief valve must be designed and located to minimize the possibility of tampering. If the pressure setting or adjustment is external to the valve, the valve adjustement must be sealed.

(v) Each pressure relief device must have direct communication with the vapor space of the tank at the midlength of the top centerline.

(vi) Each connection to a pressure relief device must be of sufficient size to allow the required rate of discharge through the pressure relief device.

(vii) No shut-off valve may be installed between a pressure relief device and the tank except when two or more pressure relief valves or two or more frangible discs are installed on the same tank. In that case, one or more shut-off valves may be so installed if the installation is arranged to allow the required relief capacity at all times through at least one pressure relief valve and at least one frangible disc.

(viii) Any shut-off valve or device that interferes with the proper operation of a pressure control valve must be designed and installed so that the cargo tank may not be operated for transportation purposes when the pressure control valve operation is impeded.

(ix) Each pressure relief valve must be arranged or protected to prevent the accumulation of foreign material between the relief valve and the

atmospheric discharge opening in any relief piping. The arrangement or protection must not impede flow through the device.

(x) Each pressure relief device must be installed and located so that the cooling effect of the contents during venting will not prevent the effective operation of the device.

(2) *Capacity and performance.*

(i) The required primary system of pressure relief valves and the required secondary system of relief devices must each have, as a minimum, the total capacity prescribed in section 4 of CGA Pamphlet S-1.2 for a bare tank, unless the insulation remains in place and effective under accident-fire conditions, in which case the insulation space is considered to be saturated with the gaseous lading at atmospheric pressure.

(ii) The primary system of pressure relief valves must have the minimum total capacity specified in paragraph (b)(2)(i) of this section, at a pressure not exceeding 120 percent of the tank design pressure.

(iii) The secondary system of frangible discs or additional pressure relief valves must have the minimum total capacity specified in paragraph (b)(2)(i) of this section, at a pressure not exceeding 150 percent of the tank design pressure.

(iv) The primary system of pressure relief valves must have a liquid flow capacity equal to or exceeding the maximum rate at which the tank is to be filled, at a pressure not exceeding 120 percent of the tank design pressure.

(v) Each primary pressure relief valve must have a set pressure no higher than 110 percent of the tank design pressure.

(vi) The secondary system of pressure relief devices must be designed to commence functioning at a pressure no lower than 130 percent and no higher than 150 percent of the tank design pressure.

(3) *Pressure relief devices for piping, hose and vacuum-insulated jackets.*

(i) Each portion of connected liquid piping or hose that can be closed at both ends must be provided with either a hydrostatic pressure relief valve without an intervening shut-off valve, or a check valve permitting flow from the pipe or hose into the tank. If used, the relief valve must be located so as to prevent its discharge from impinging on the tank, piping, or operating personnel.

(ii) On a vacuum-insulated cargo tank the jacket must be protected by a suitable relief device to release internal pressure. The discharge area of this device must be at least 0.00024 square inch per pound of water capacity of the tank. This relief device must function at a pressure not exceeding the internal design pressure of the jacket, calculated in accordance with the ASME Code, or 25 psig, whichever is less.

(4) *Optional pressure relief devices and pressure control valves.*

(i) In addition to the required pressure relief devices, a cargo tank may be equipped with one or more pressure control valves if they meet applicable requirements contained in this Part.

(ii) In addition to the required pressure relief devices, a cargo tank may be equipped with one or more frangible discs set to function at a pressure not less than one and one-half times or more than two times the tank design pressure.

(5) *Tank inlet, outlet, pressure relief device and pressure control valve markings.*

(i) Each tank inlet and outlet, except pressure relief devices and pressure control valves, must be permanently marked to indicate whether it communicates with "vapor" or "liquid" when the tank is filled to the maximum permitted filling density.

(ii) Each pressure relief valve must be plainly and permanently marked with the pressure, in psig, at which it is set-to-discharge, the actual discharge rate of the device in SCF per minute (SCFM), and the manufacturer's name or trade name and catalog number. The marked set pressure valve must be visible with the valve in its installed position. The rated discharge capacity of the device must be determined at a pressure of 120 percent of the design pressure of the tank.

(iii) Each pressure control valve must be plainly and permanently marked with the pressure, in psig, at which it is set-to-discharge.

(c) *Weight of lading requirements.* The weight of a cryogenic liquid in the tank must be determined by weighing or by the use of a liquid level gauging device authorized in § 178.338-14(a) of this subchapter, and may not exceed the lesser of:

(1) The weight of lading in the tank, based on the water capacity stamped on the nameplate (§ 178.338-18(a)(4) of this subchapter) and the appropriate maximum permitted filling density specified in paragraph (f) of this section; or

(2) The maximum weight of lading for which the cargo tank was designed, as marked on the specification plate (see § 178.338-18(b) of this subchapter).

(d) *Outage.* Except for a cargo tank containing helium, cryogenic liquid, a cargo tank offered for transportation must have an outage of at least two percent below the inlet of the pressure relief device or pressure control valve, under conditions of incipient opening, with the tank in a level attitude.

(e) *Temperature.* A flammable cryogenic liquid must be loaded into a cargo tank at a temperature sufficiently cold that the pressure setting of the pressure control valve or the required pressure relief valve, whichever is lower, will not be reached in less time than the marked rated holding time for the cryogenic liquid (see §§ 173.33(d)(1)(ii) and 178.338-9(b) of this subchapter).

(f) *Specification MC-338 (§ 178.338 of this subchapter) cargo tanks* are authorized for the shipment of the following cryogenic liquids subject to the following additional requirements:

(1) For purposes of this section, "filling density" is defined as the percent ratio of the weight of lading in the tank to the weight of water that the tank will hold at the design service temperature (one pound of water=27.737 cubic inches at 60° F., or one gallon of water=231 cubic inches at 60° F. and weighs 8.32828 pounds).

(2) *Argon, helium, nitrogen, and oxygen, cryogenic liquids* must be loaded and shipped in accordance with the following table:

PRESSURE CONTROL VALVE SETTING OR RELIEF VALVE SETTING

Maximum set-to-discharge pressure (psig)	Maximum permitted filling density (percent by weight)			
	Argon	Helium	Nitrogen	Oxygen
26		12.5		
30	129	12.5	74	105
40		12.5		
50		12.5		
55	125	12.5	71	102
60		12.5		
80		12.5		
85	121	12.5		99
100		12.5		
105		12.5	67	
120		12.5		
140		12.5		
145	115	12.5	64	94
180		12.5		
200	110	12.5	61	91
250	106	12.5	57	87
275	105	12.5	56	86
325	101		53	83
Design service temperature.	Minus 320° F.	Minus 452° F.	Minus 320° F.	Minus 320° F.

(3) *Carbon monoxide, hydrogen (minimum 95 percent para-hydrogen), ethylene, and methane or natural gas, cryogenic liquids* must be loaded and shipped in accordance with the following table:

PRESSURE CONTROL VALVE SETTING OR RELIEF VALVE SETTING

Maximum set-to-discharge pressure (psig)	Maximum permitted filling density (percent by weight)			
	Carbon monoxide	Ethylene	Hydrogen	Methane or natural gas
13			6.6	
15	75.0		6.6	
17	74.0		6.5	
20		53.5		40.0
25	73.0			
30	72.0	52.7	6.3	39.1
35				
40		52.0		38.8
45	71.5			
50		51.4	6.0	38.2
55				
60		50.8		
70		50.2	5.7	37.5
90		49.2		
95				
100		48.4	5.4	36.6
115		48.2		
125			5.0	
175	62.5	45.8		
285	56.0			
Design service temperature.	Minus 320° F.	Minus 155° F.	Minus 423° F.	Minus 260° F.

(g) *One-way travel time; marking.* The jacket of a cargo tank to be used to transport a flammable cryogenic liquid must be marked on its right side near the front, in letters and numbers at least two inches high, "One-way Travel Time ——— hrs.", with the blank filled in with a number indicating the one-way travel time (OWTT), in hours, of the cargo tank for the flammable cryogenic liquid to be transported.

(1) OWTT is based on the marked rated holding time (MRHT) of the cargo tank for the cryogenic liquid to be transported in the cargo tank. If the MRHT for the flammable cryogenic liquid is not displayed on or adjacent to the specification plate, this MRHT may be derived.

(2) The MRHT is converted to OWTT, in hours, as follows:

(i) For a tank with an MRHT of 72 hours or less,

$$OWTT = MRHT - 24/2$$

(ii) For a tank with an MRHT greater than 72 hours,

$$OWTT = MRHT - 48$$

(3) Only the OWTT for the flammable cryogenic liquid in the cargo tank may be displayed on the cargo tank.

19. In Part 173, § 173.319 is added to read as follows:

§ 173.319 Cryogenic liquids in tank cars.

(a) *General requirements.*

(1) A tank car containing a flammable cryogenic liquid may not be shipped unless it was loaded by, or with the consent of, the owner of the tank car.

(2) The amount of flammable cryogenic liquid loaded into a tank car must be determined, either by direct measurement or by calculation based on weight, to verify that the tank has not been filled to a level in excess of the limits specified in paragraph (d)(2) of this section. The weight of any flammable cryogenic liquid loaded, except hydrogen, must be checked by use of scales after disconnecting the loading line.

(3) Whenever a tank car containing any flammable cryogenic lading is not received by the consignee within 20 days from the date of shipment, the shipper of the lading shall notify the Bureau of Explosives.

(4) A tank car may not be loaded with any flammable cryogenic liquid—

(i) That may combine chemically with any residue in the tank to produce an unsafe condition,

(ii) That is colder than the design service temperature of the tank,

(iii) If the average daily pressure rise in the tank exceeded 3 psi during the prior shipment (see § 173.31(c)(13)),

(iv) Unless it is marked with the name of contents, in accordance with § 172.330 of this subchapter.

(b) When a tank car containing a flammable cryogenic liquid is offered for transportation—

(1) At least 0.5 percent outage must be provided below the inlet of the pressure relief or pressure control valve at the start-to-discharge pressure setting of the valve, with the tank car in a level attitude, and

(2) The absolute pressure in the annular space must be less than 75 microns of mercury.

(c) *Temperature.* A flammable cryogenic liquid must be loaded into a tank car at such a temperature that the average daily pressure rise during transportation will not exceed 3 psi (see paragraph (a)(4)(iii) of this section and § 173.31(c)(13)).

(d) A Class DOT–113 tank car is authorized for the shipment of the following cryogenic liquids subject to the following additional requirements:

(1) For purposes of this section, "filling density" is defined as the percent ratio of the weight of lading in the tank to the weight of water that the tank will hold at the design service temperature (one pound of water = 27.737 cubic inches at 60° F., or one gallon of water = 231 cubic inches at 60° F. and weighs 8.32828 pounds).

(2) *Ethylene, and hydrogen (minimum 95 percent parahydrogen), cryogenic liquids* must be loaded and shipped in accordance with the following table:

PRESSURE CONTROL VALVE SETTING OR RELIEF VALVE SETTING

Maximum start-to-discharge pressure (psig)	Maximum permitted filling density (percent by weight)			
	Ethylene	Ethylene	Ethlyene	Hydrogen
17				6.60.
45	52.8			
75		51.1	51.1	
Maximum pressure when offered for transportation.	10 psig	10 psig	20 psig	
Design service temperature	Minus 260° F.	Minus 260° F.	Minus 155° F.	Minus 423° F.
Specification (see § 173.31(a)(9))	113D60W 113C60W	113C120W	113D120W	113A175W. 113A60W.

20. In Part 173, § 173.320 is added to read as follows:

§ 173.320 Cryogenic liquids; exceptions.

(a) Atmospheric gases and helium, cryogenic liquids, in Dewar flasks, insulated cylinders, insulated portable tanks, insulated cargo tanks, and insulated tank cars, designed and constructed so that the pressure in such packagings will not exceed 25.3 psig under ambient temperature conditions during transportation (excluding loading and unloading operations or operation of a process system such as a refrigeration system) are not subject to the requirements of this subchapter when transported by motor vehicle or railcar except:

(1) Sections 171.15 and 171.16 of this subchapter pertaining to the reporting of incidents, not including a release that is the result of venting through a pressure control valve, or the neck of the Dewar flask.

(2) Subparts A, B, C, and D of Part 172, Sections 174.24 (for rail) and 177.817 for highway) and in addition, Part 172 in its entirety for oxygen.

(b) For transportation by vessel, the requirements of this subchapter do not apply to atmospheric gases used in a refrigeration system.

PART 174—CARRIAGE BY RAIL

21. The Table of Sections to Part 174 is amended by revising the heading for § 174.204 to read as follows:

Sec.

174.204 Tank car delivery of gases, including cryogenic liquids.

22. In § 174.25, paragraph (a), the Table is amended by removing the entry "Oxygen (liquefied)" and adding in its place the entry "Oxygen, cryogenic liquid," as follows:

§ 174.25 Additional information on waybills, switching orders and other billings.

(a) * * *

Hazardous material or class	Placard notation	Placard endorsement
REMOVE		
Oxygen (liquefied).	Placarded OXYGEN	Dangerous.
ADD		
Oxygen, cryogenic liquid.	Placarded OXYGEN	Dangerous.

* * * * *

23. In § 174.67, the introductory text of paragraph (a) is revised to read as follows:

§ 174.67 Tank car unloading.

(a) In unloading tank cars, the following rules must be observed (see subpart F of this Part for gases):

* * * * *

24. In § 174.83, paragraph (b) is revised to read as follows:

§ 174.83 Switching of cars containing hazardous materials.

* * * * *

(b) Any tank car placarded "EXPLOSIVE A" or "POISON GAS" and any Class DOT-113 tank car placarded "FLAMMABLE GAS" may not be—

(1) Cut off while in motion,

(2) Coupled into with more force than is necessary to complete the coupling, or

(3) Struck by any car moving under its own momentum.

* * * * *

25. In § 174.204, the heading and paragraph (a)(2) are revised to read as follows:

§ 174.204 Tank car delivery of gases, including cryogenic liquids.

(a) * * *

(2) The following tank cars may not be delivered and unloaded on carrier tracks unless the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car; however, such cars may be stored on a private track (see § 171.8 of this subchapter) or on carrier tracks designated by the carrier for such storage:

(i) A tank car containing flammable cryogenic liquid; or

(ii) A tank car, except for a DOT-106A or 110A multi-unit tank car tank (§ 179.300 or § 179.301 of this subchapter), containing anhydrous ammonia; hydrogen chloride, liquid (*refrigerated*); hydrocarbon gas, liquefied; or liquefied petroleum gas; and having interior pipes for liquid and gas discharge valves equipped with check valves.

PART 176—CARRIAGE BY VESSEL

26. In § 176.76, paragraph (h) is added to read as follows:

§ 176.76 Highway vehicles, railroad vehicles, freight containers, and portable tanks containing hazardous materials.

* * * * *

(h) *Cryogenic liquids.* For shipment of cryogenic liquids on board a vesel the packaging must be designed and filled so that:

(1) Any cryogenic liquid being transported in a cargo tank, regardless of the pressure in the package, must be contained in a steel jacketed Specification MC-338 (§ 178.338 of this subchapter) insulated cargo tank, or a cargo tank approved under the provisions of § 173.33(b)(2) of this subchapter.

(2) Any valve or fitting with moving or abrading parts that may come in contact with any cryogenic liquid may not be made of aluminum.

(3) For a flammable cryogenic liquid being transported in a cargo tank, the elapsed time between the loading of the cargo tank and the subsequent unloading of the cargo tank at its final destination may not exceed the marked rated holding time (MRHT) of the cargo tank for the cryogenic liquid being transported, which must be displayed on or adjacent to the specification plate.

(4) Portable tanks, cargo tanks, and tank cars containing cryogenic liquids must be stowed "on deck" regardless of the stowage authorized in § 172.101 of this subchapter. Cargo tanks or tank cars containing cryogenic liquids may be stowed one deck below the weather deck when transported on a trailership or trainship that is unable to provide "on deck" stowage because of the vessel's design. Tank cars must be Class DOT-113 or AAR-204W tank cars.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

27. In Part 177, the Table of Sections is amended by revising the headings for §§ 177.816 and 177.840, and adding headings for §§ 177.818 and 177.826 to read as follows:

* * * * *

Sec.
177.86 Training

* * * * *

Sec.
177.818 Special instructions; flammable cryogenic liquids.

* * * * *

177.826 Carrier's registration statement; flammable cryogenic liquids.

* * * * *

177.840 Compressed gases, including cryogenic liquids.

* * * * *

28. In Part 177, § 177.816 is revised to read as follows:

§ 177.816 Training.

(a) *Applicability.* No carrier may transport a flammable cryogenic liquid in a cargo tank on a public highway unless the driver of the vehicle has received the training specified in paragraph (b) of this section This section applies only to an originating carrier when an interchange operation is involved.

(b) *Training required.* Each carrier subject to paragraph (a) of this section must—

(1) Provide the required training in written form;

(2) Provide the required training before a driver may drive a motor vehicle transporting a flammable cryogenic liquid in a cargo tank and at least one every 24 months thereafter;

(3) Include in the training program instructions pertaining to—

(i) Requirements in this subchapter applicable to cryogenic liquids, generally;

(ii) Requirements in the Federal Motor Carrier Safety Regulations, Parts 390-397 of this title, applicable to drivers;

(iii) The properties and potential hazards of the particular material to be transported;

(iv) The safe operation of the type of cargo tank the driver will be operating, including its handling characteristics, emergency features and loading limitations; and

(v) Procedures to be followed in case of accident or other emergency, including unanticipated pressure increase or decrease.

(c) *Record of training.* A record certifying that current training has been provided in accordance with paragraph (b) of this section shall be retained in the driver's qualification file (see § 391.51 of this title) for as long as the driver is employed by that carrier and for 90 days thereafter. The record shall include—

(1) The driver's name and operators license number;

(2) The date the driver was provided the training and the due date for subsequent training;

(3) A copy of the written training material required by paragraph (b) of

this section or a reference indicating the location of a readily available copy; and

(4) The name and address of the person providing the training.

29. In Part 177, § 177.818 is added to read as follows:

§ 177.818 Special instructions; flammable cryogenic liquids.

(a) No carrier may operate, and no driver may drive, a motor vehcile transporting a flammable cryogenic liquid in a package exceeding 125 gallons water capacity unless written instructions containing the following information are carried with the required shipping papers:

(1) General precautions,

(2) Manual venting instructions,

(3) Emergency procedures, and

(4) The names and telephone numbers of persons to be contacted in case of emergency or accident.

(b) [Reserved]

30. In § 177.824, paragraph (a)(1) is amended by revising the first phrase to read, "Each cargo tank, except a specification MC-330, MC-331, or MC-338 cargo tank, * * *." and paragraph (e) is revised to read as follows:

§ 177.824 Retesting and inspection of cargo tanks.

* * * * *

(e) *Compressed gas and cryogenic liquid cargo tanks, specifications MC-330, MC-331, and MC-338.*

(1(*Specification MC-330 and MC-331.* Each cargo tank constructed in compliance with specification MC-330 or MC-331 (§ 178.337 of this subchapter) must be inspected and tested in accordance with § 173.33 of this subchapter.

(2) *Specification MC-338 insulated cargo tanks.* Each insulated cargo tank constructed in compliance with specification MC-338 (§ 178.338 of this subchapter) must be tested, except for the retest pressure, in accordance with § 173.338-16(a) of this subchapter, and must be in compliance with § 173.33 of this subchapter. If the tank is opened for any reason, the cleanliness must be verified after closure in accordance with § 178.338-15.

* * * * *

31. In Part 177, §177.826 is added to read as follows:

§ 177.826 Carrier's registration statement; flammable cryogenic liquids.

(a) No person may transport a flammable cryogenic liquid in a portable tank or a cargo tank unless he has filed a registration statement by certified mail, return receipt requested, with the Associate Director for HMR, MTB in accordance with paragraphs (b), (c) and (d) of this section.

(b) The registration statement must contain the following information:

(1) The carrier's name and principal place of business.

(2) Locations where cargo tanks used to transport flammable cryogenic liquids are domiciled.

(3) The serial number or vehicle identification number of each cargo tank used by the carrier to transport flammable cryogenic liquids, and the name of each flammable cryogenic liquid transported in each cargo tank.

(c) The registration statement must be filed:

(1) Initially between January 1 and February 28, 1984 (this initial statement is only required to contain information regarding operations that took place during the 90 days prior to the date of the statement); and

(2) Subsequently, between January 1 and February 28 of each even numbered year after 1984.

(d) For equipment obtained or operations begun between the two-year filing intervals specified in paragraph (c) of this section, the information must be provided on the registration statement filed during the next required filing period.

* * * * *

32. In § 177.840, the heading and paragraph (a)(2) are revised; paragraphs (h), (i), (j), and (k) are added to read as follows:

§ 177.840 Compressed gases, including cryogenic liquids.

(a) * * *

(2) *Cylinders for hydrogen, cryogenic liquid.* A Specification DOT-4L cylinder containing hydrogen, cryogenic liquid may only be transported on a motor vehicle as follows:

(i) The vehicle must have an open body equipped with a suitable rack or support having a means to hold the cylinder upright when subjected to an acceleration of 2 "g" in any horizontal direction;

(ii) The combined total of the hydrogen venting rates, as marked, on the cylinders transported on one motor vehicle may not exceed 60 SCF per hour;

(iii) The vehicle may not enter a tunnel; and

(iv) Highway transportation is limited to private and contract carriage and to direct movement from point of origin to destination.

* * * * *

(h) The driver of a motor vehicle transporting a flammable cryogenic liquid in a package exceeding 125 gallons of water capacity shall avoid unnecessary delays during transportation. If unforeseen conditions cause an excessive pressure rise, the driver shall manually vent the tank at a remote and safe location. For each shipment, the driver shall make a written record of the cargo tank pressure and ambient (outside) temperature—

(1) At the start of each trip,

(2) Immediately before and after any manual venting,

(3) At least once every five hours, and

(4) At the destination point.

(i) No person may transport a flammable cryogenic liquid in a cargo tank unless the one-way travel time (OWTT), marked on the tank in compliance with § 173.318(g) of this subchapter, is equal to or greater than the elapsed time between loading and unloading of the cargo tank. This prohibition does not apply if, prior to expiration of the OWTT, the tank is brought to full equilibration as specified in paragraph (j) of this section.

(j) Full equilibration of a cargo tank transporting a flammable cryogenic liquid may only be done at a facility that loads or unloads a flammable cryogenic liquid and must be performed and verified as follows:

(1) The temperature and pressure of the liquid must be reduced by a manually controlled release of vapor;

(2) The pressure in the cargo tank must be measured at least ten minutes after the manual release is terminated, and

(3) The pressure in the cargo tank must be equal to or less than the pressure at which the cargo tank was loaded.

(k) A carrier of carbon monoxide, cryogenic liquid must provide each driver with a self-contained air breathing apparatus that is approved by the National Institute of Occupational Safety and Health; for example, Mine Safety Appliance Co., Model 401, catalog number 461704.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

33. In Part 178, the Table of Sections is amended by adding a heading for § 178.338 to read as follows:

Sec.
178.338 Specification MC-338, insulated cargo tank.

34. In § 178.57-2, the heading and paragraphs (b) and (c) are revised and footnotes 1 and 2 are removed to read as follows:

§ 178.57-2 Type, size, service pressure, and design service temperature.

* * * * *

(b) The service pressure shall be at least 40 and not more than 360 pounds

per square inch. The service pressure limits the use of the cylinder and is shown by marks on the cylinder. For example, DOT–4L200 indicates the authorized pressure is 200 pounds per square inch.

(c) The design service temperature is the coldest temperature for which a cylinder is suitable. The required design service temperatures for each cryogenic liquid is as follows:

Cryogenic liquid	Design service temperature
Argon	Minus 320°F. or colder.
Helium	Minus 452°F. or colder.
Hydrogen	Minus 423°F. or colder.
Neon	Minus 411°F. or colder.
Nitrogen	Minus 320°F. or colder.
Oxygen	Minus 320°F. or colder.

* * * * *

35. Section 178.57–5 is revised to read as follows:

§ 178.57–5 Material.

(a) *Inner containmemt vessel (cylinder).* Designations and limiting chemical compositions of steel authorized by this specification shall be as shown in § 178.57–21(a) Table 1.

(b) *Outer jacket.* Steel or aluminum may be used subject to the requirements of § 178.57–21(b).

36. In § 178.57–8, paragraph (c) is revised and paragraph (d) is added to read as follows:

§ 178.57–8 Manufacture.

* * * * *

(c) The surface of the cylinder must be insulated. The insulating material must be fire resistant. The insulation on non-evacuated jackets must be covered with a steel jacket not less than 0.060-inch thick or an aluminum jacket not less than 0.070 inch thick, so constructed that moisture cannot come in contact with the insulating material. If a vacuum is maintained in the insulation space, the evacuated jacket must be designed for a minimum collapsing pressure of 30 psi differential whether made of steel or aluminum. The construction must be such that the total heat tranfer, from the atmosphere at ambient temperature to the contents of the cylinder, will not exceed 0.0005 Btu per hour, per Fahrenheit degree differential in temperature, per pound of water capacity of the cylinder. For hydrogen, cryogenic liquid service, the total heat transfer, with a temperature differential of 520 Fahrenheit degrees, may not exceed that required to vent 30 SCF of hydrogen gas per hour.

(d) For a cylinder having a design service temperature colder than minus 320°F, a calculation of the maximum weight of contents must be made and that weight must be marked on the cylinder as prescribed in § 178.57–20(a)(4).

* * * * *

37. In § 178.57–10, paragraph (b) is amended by revising the definition of "P" as follows:

§ 178.57–10 Wall thickness.

* * * * *

(b) * * *

P=minimum test pressure prescribed for pressure test in pounds per square inch;

* * * * *

38. In § 178.57–12, paragraph (a) is revised to read as follows:

§ 178.57–12 Openings in cylinder.

(a) Openings permitted in heads only. They must be circular and shall not exceed 3 inches diameter or one third of the cylinder diameter, whichever is less. Each opening in the cylinder must be provided with a fitting, boss or pad, either integral with, or securely attached to, the cylinder body by fusion welding. Attachments to a fitting, boss or pad may be made by welding, brazing, mechanical attachment, or threading. Threads must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of a length not less than that specified for NPT.

(3) Straight threads must have at least 4 engaged threads, tight fit and calculated shear strength at least 10 times the test pressure of the cylinder. Gaskets, which prevent leakage and are inert to the hazardous material, are required.

* * * * *

39. Section 178.57–13 is revised to read as follows:

§ 178.57–13 Pressure relief devices and pressure control valves.

Each cylinder must te equipped with pressure relief devices and pressure control valves as prescribed in §§ 173.34(d) and 173.316 of this subchapter. Flow capacity of relief devices must meet the requirements of paragraph 5.9 of CGA Pamphlet S–1.1.

40. In § 178.57–20, paragraphs (a)(2) and (a)(4) are revised, paragraphs (a)(5) and (a)(6) are redesignated (a)(6) and (a)(7) respectively, and new paragraphs (a)(5), (a)(8) and (a)(9) are added to read as follows:

§ 178.57–20 Marking.

(a) * * *

(2) ST followed by the design service temperature (for example, ST–423F), on cylinders having a design service temperature of colder than minus 320°F. only. Location to be just below the DOT mark.

* * * * *

(4) Maximum weight of contents, in pounds (for example, Max. Content 51#), on cylinders having a design service temperature colder than minus 320°F. only. Location to be near symbol.

(5) Examples of required markings are:

Design service temperature minus 320° F. or warmer.	Design service temperature colder than minus 320° F.
DOT–4L 150	DOT–4L 150
1234	ST–423F
XY	1234
	XY
	MAX CONTENT 51#

* * * * *

(8) Special orientation instructions (for example, THIS END UP), if the cylinder is used in an orientation other than vertical with openings at the top of the cylinder.

(9) "Aluminum Jacket," if the jacket of the cylinder is constructed of aluminum.

* * * * *

41. Section 178.57–21 is revised to read as follows:

§ 178.57–21 Authorized materials of construction.

(a) *Inner containment vessel (cylinder).* Electric furnace steel of uniform quality. Chemical analysis must conform to ASTM A240, Type 304 Stainless Steel. The following chemical analyses and physical properties are authorized:

TABLE 1—AUTHORIZED MATERIALS

Designation	Chemical analysis, limits in percent
Carbon [1]	0.08 max.
Manganese	2.00 max.
Phosphorus	0.045 max.
Sulphur	0.030 max.
Silicon	1.00 max.
Nickel	8.00–10.50
Chromium	18.00–20.00
Molybdenum	
Titanium	
Columbium	

[1] The carbon analysis must be reported to the nearest hundredths of one percent.

	Physical properties (annealed)
Tensile strength, p.s.i. (minimum)	75,000
Yield strength, p.s.i. (minimum)	30,000
Elongation in 2-inches (minimum), percent	30.0
Elongation other permissible gauge lengths (minimum), percent	15.0

NOTE 1.—A heat of steel made under the above specification is acceptable, even though its check chemical analysis is slightly out of the specified range, if it is satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded

CHECK ANALYSIS TOLERANCES

Elements	Limit or maximum of specified range, percent	Tolerance over the maximum limit or under the minimum limit
Carbon	To 0.030, inclusive	0.005
	Over 0.030 to 0.20, inclusive.	0.01
Manganese	To 1.00, inclusive	0.03
	Over 1.00 to 3.00, inclusive.	0.04
Phosphorus [1]	To 0.040, inclusive	0.005
	Over 0.040 to 0.20 inclusive.	0.010
Sulfur	To 0.40, inclusive	0.005
Silicon	To 1.00, inclusive	0.05
Chromium	Over 15.00 to 20.00, inclusive.	0.20
Nickel	Over 5.00 to 10.00, inclusive.	0.10
	Over 10.00 to 20.00, inclusive.	0.15

[1] Rephosphorized steels not subject to check analysis of the phosphorus.

(b) *Outer jacket.*

(1) *Nonflammable cryogenic liquids.* Cylinders intended for use in the transportation of nonflammable cryogenic liquid must have an outer jacket made of steel or aluminum.

(2) *Flammable cryogenic liquids.* Cylinders intended for use in the transportation of flammable cryogenic liquid must have an outer jacket made of steel.

42. Section 178.57-22 is revised to read as follows:

§ 178.57-22 Inspector's report.

(a) This report is required to be clear, legible and in following form:

(Place) _____
(Date) _____
Steel gas cylinders
Manufactured for _____
Location at _____
Manufactured by _____
Location at _____
Consigned to _____
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long
Cylinders were pressure tested at ____ pounds per square inch and found to be satisfactory.
Maximum and minimum weight ____.
Maximum and minimum volumetric capacity _____
Jacket material _____
Insulation type _____
Marks stamped into the _____ (Location of marking) of the cylinder are:
Specification DOT _____
Design service temperature—minus____°F.
Maximum weight of content — (pounds)
Serial numbers — to — inclusive
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weight (yes or no) _____
Other marks _____
These cylinders were made by process of—

The material used was authorized by § 178.57-21.

The material used was identified by the following _____ (Heat-purchase order) numbers _____

The material used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers _____ (were—were not) marked on the material.

Test No.	Heat No.	Check analysis No.	Cylinders represented (serial Nos.)	Chemical analysis										
				C	P	S	Si	Mn	Ni	Cr	Mo	Cu	Al	Zr

All material was inspected and all that was accepted was found free from seams, cracks, laminations and other injurious defects.

The compliance of cylinders with specification requirements was verified including markings, condition of inside, tests, threads, etc. All cylinders with defects which might prove injurious were rejected. The processes of manufacture and heat treatment were supervised and found to be efficient and satisfactory.

The cylinder walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Pressure tests, tensile tests of material, and other tests as prescribed in specification No. DOT-4L_____ were made in the presence of the inspector and all cylinders accepted were found to be in compliance with the requirements of that specification. Records thereof are attached hereto.

Each cylinder _____ (Has—has not) been equipped with safety devices as follows:

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Department of Transportation specification No. 4L except as follows:

Exceptions _____
(Manufacturer's name) _____

By _____
(Signed) _____
(Inspector)
(Place) _____
(Date) _____

Record of Chemical Analysis of Steel for Cylinders

Numbered ____ to ____ inclusive.
Size ____ inches outside diameter by ____ inches long.
Made by _____ Company.
For _____ Company.

Steel was manufactured by _____ Company. The originals of the certified mill test reports are in the files of the manufacturer.

Note: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Chemical analyses were made by _____
(Date) _____
(Place) _____

Record of Physical Tests of Material For Cylinders

Numbered ____ to ____ inclusive.
Size ____ inches outside diameter by ____ inches long
Made by _____ Company
For _____ Company

Test No.	Cylinders represented by test (serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in inches)	Impact test results	Weld tensile test	Weld bend test

(Signed) _____

43. In § 178.337-1, paragraphs (a) and (e) are revised to read as follows:

§ 178.337-1 General requirements.

(a) *ASME Code construction.* Tanks must be—

(1) Seamless or welded construction, or a combination of both;

(2) Designed and constructed in accordance with the ASME Code;

(3) Made of steel or aluminum; however, if aluminum is used, the cargo tank must be insulated and the hazardous material to be transported must be compatible with the aluminum (see §§ 173.33(i), 173.315(a) Table Note 11, and 178.337-2(a)(1) of this subchapter); and

(4) Covered with a steel jacket if the cargo tank is insulated and used to transport a flammable gas (see § 173.315(a) Table Note 11 of this subchapter).

* * * * *

(e) *Insulation.* Compliance with the requirements for use and performance of insulation is required (see §§ 173.33(i), 173.315(a) Table Note 11, and 178.337-1(a)(3) of this subchapter).

* * * * *

44. In § 178.337-11, the introductory text to paragraph (c) is revised to read as follows:

§ 178.337-11 Emergency discharge control.

* * * * *

(c) *Liquid or vapor discharge openings.* Except for an engine fuel line on a truck-mounted tank of not over ¾ inch NPT and equipped with a valve having an integral excess flow valve, each liquid or vapor discharge opening in a tank intended to be used for a flammable liquid; flammable compressed gas; hydrogen chloride, liquid (*refrigerated*); or anhydrous ammonia, must be equipped with a remotely controlled internal shut-off valve. However, on any liquid or vapor discharge opening 1¼ inches NPT or smaller, an excess flow valve together with a manually operated external valve may be used in place of a remotely controlled internal shut-off valve. Each remotely controlled internal valve must comply with the following requirements:

* * * * *

45. In Part 178, § 178.338 consisting of §§ 178.338-1 to 178.338-19 is added to read as follows:

§ 178.338 Specification MC-338; insulated cargo tank.

§ 178.338-1 General requirements.

(a) For the purposes of this section—

(1) *"Design pressure"* means the "maximum allowable working pressure" as used in the ASME Code, and is the gauge pressure at the top of the tank.

(2) *"Design service temperature"* means the coldest temperature for which the tank is suitable (see §§ 173.318 (a)(1) and (f) of this subchapter).

(b) Each cargo tank must consist of a suitably supported welded inner vessel enclosed within an outer shell or jacket, with insulation between the inner vessel and outer shell or jacket, and having piping, valves, supports and other appurtenances as specified in this subchapter. For the purpose of this specification, "tank" means inner vessel and "jacket" means either the outer shell or insulation cover.

(c) Each tank must be designed and constructed to meet the requirements of the ASME Code.

(1) The design pressure of the tank must be at least 25.3 psig but not more than 500 psig. To determine the required thicknesses of the parts of the tank, the static head of the lading shall be added to the design pressure. If the jacket is evacuated, the tank must be designed for a pressure of 14.7 psi, plus the lading static head, higher than its "design pressure." The jacket must be designed in accordance with paragraph (e) or (f) of this section, as appropriate.

(2) The design service temperature of the tank, piping and valves may not be warmer than the liquefaction temperature at one atmosphere of the lading to be transported (see §§ 173.318 (a)(1) and (f) of this subchapter).

(3) Design and construction details of the tank interior may not allow collection and retention of cleaning materials or contaminants. To preclude the entrapment of foreign material, the design and construction of the tank must allow washing of all interior surfaces by the normal surging of the lading during transportation.

(d) The exterior surface of the tank must be insulated with a material compatible with the lading.

(1) Each cargo tank must have an insulation system that will prevent the tank pressure from exceeding the pressure relief valve set pressure within the specified holding time when the tank is loaded with the specific cryogenic liquid at the design conditions of—

(i) The specified temperature and pressure of the cryogenic liquid, and

(ii) The exposure of the filled cargo tank to an average ambient temperature of 85°F.

(2) For a cargo tank used to transport oxygen, the insulation may not sustain combustion in a 99.5 percent oxygen atmosphere at atmospheric pressure when contacted with a continuously heated glowing platinum wire. The cargo tank must be marked in accordance with § 178.338-18(b)(7).

(3) Each vacuum-insulated cargo tank must be provided with a connection for a vacuum gauge to indicate the absolute pressure within the insulation space.

(e) The insulation must be completely covered by a metal jacket. The jacket or the insulation must be so constructed and sealed as to prevent moisture from coming into contact with the insulation (see § 173.318(a)(3) of this subchapter). Minimum metal thicknesses are as follows:

Type metal	Jacket evacuated		Jacket not evacuated	
	Gauge	Inches	Gauge	Inches
Stainless steel	18	0.0428	20	0.0324
Low Carbon Mild Steel	12	0.0946	14	0.0677
Aluminum		0.125		0.0100

(f) An evacuated jacket must be in compliance with the following requirements:

(1) The jacket heads, shell and stiffening rings must be designed in accordance with paragraphs UG-28, UG-29 and UG-33 of the ASME Code to sustain a critical collapsing pressure of at least 30 psi. The jacket need not be marked with the ASME stamp.

(2) If the jacket also supports additional loads, such as the weight of the tank and lading, the combined stress, computed according to the formula in § 178.338-3(b), may not exceed 25 percent of the minimum specified tensile strength.

§ 178.338-2 Material.

(a) All material used in the construction of a tank and its appurtenances that may come in contact with the lading must be suitable for use with the lading to be transported. All material used for tank pressure parts, including evacuated jackets, must conform to the requirements of the ASME Code.

(b) All tie-rods, mountings, and other appurtenances within the jacket and all piping, fittings and valves must be of material suitable for use at the lowest temperature to be encountered.

(c) Impact tests are required on all tank materials, except aluminum, and must be performed using the procedure prescribed in the ASME Code.

(d) The direction of final rolling of the shell material must be the circumferential orientation of the tank shell.

(e) Each tank constructed in accordance with Part UHT of the ASME Code must be postweld heat treated as a unit after completion of all welds to the shell and heads. Other tanks must be postweld heat treated as required by the ASME Code. For all tanks the method must be as prescribed in the ASME Code. Welded attachments to pads may be made after postweld heat treatment.

(f) The fabricator shall record the heat and slab numbers and the certified Charpy impact values of each plate used in the tank on a sketch showing the location of each plate in the shell and heads of the tank. A copy of the sketch must be provided to the owner of the cargo tank and a copy must be retained by the fabricator for at least five years and made available, upon request, to any duly identified representative of the Department.

§ 178.338-3 Metal thickness.

(a) The metal thickness of the tank must be as prescribed in the ASME Code and paragraph (b) of this section.

Metal less than 3/16 inch thick may not be used for the shell or heads of a tank unless the tank is enclosed in an evacuated or load-bearing jacket. Metal less than 1/8 inch thick may not be used for the shell or heads of the tank under any circumstances.

(b) The minimum thickness of metal in the shell (cylindrical portion) of the tank must be such that at no point will the stress on a plane normal to the longitudinal axis exceed 25 percent of the minimum specified tensile strength of the metal. The forces, loads, and stresses considered in this requirement must take into account the weight of the tank itself, its maximum weight of contents, and articles supported by the tank, not including the weight of structures supporting the tank in normal conditions. The stresses involved are not all uniform through the length of the tank. For purposes of this requirement, calculation must be made by the following formula:

$$S=(T/2)+((T^2/4)+S_s^2)^{0.5}$$

where at any point under consideration and for the worst combination of loadings:

S = Effective stress as limited by this requirement, in psi;

T = The sum of the longitudinal tensile stresses due to external vacuum and internal pressure and other causes, including direct tensile stress due to a rearward acceleration force, tensile stress due to the bending moment of a rearward acceleration force applied at the road surface, and tensile flexure stress using applicable static loadings specified in paragraphs (b), (e) and (f) of § 178.338–13, in psi; and

S_s = The vectorial sum of the shear stresses in the plane in question, including direct vertical shear due to the static vertical loading, direct lateral shear due to a lateral accelerative force, and torsional shear due to a lateral accelerative force, applied at the road surface using applicable static loadings specified in paragraphs (b), (e) and (f) of § 178.338–13, in psi.

(c) Maximum stress concentrations that may be created at supports due to shear, bending, and torsion must be calculated in accordance with Appendix G of the ASME Code.

(d) Where a tank support is attached to any part of a tank head, the stresses imposed on the head must be in accordance with the requirements in paragraph (c) of this section.

§ 178.338–4 Joints.

(a) All joints in the tank, and in the jacket if evacuated, must be as prescribed in the ASME Code, with all undercutting in shell and head material repaired as specified therein.

(b) Welding procedure and welder performance tests must be made in accordance with Section IX of the ASME Code. Records of the qualification must be retained by the tank manufacturer for at least five years and must be made available, upon request, to any duly identified representative of the Department, or the owner of the cargo tank.

(c) All longitudinal welds in tanks and load bearing jackets must be located so as not to intersect nozzles or supports other than load rings and stiffening rings.

(d) Substructures must be properly fitted before attachment and the welding sequence must minimize stresses due to shrinkage of welds.

(e) Filler material containing more than 0.05 percent vanadium may not be used with quenched and tempered steel.

(f) All joints must be in accordance with Part UW of the ASME Code, except that a butt weld with one plate edge offset is not authorized. All tank nozzle to shell and nozzle to head welds must be full penetration welds.

§ 178.338–5 Stiffening rings.

(a) A tank is not required to be provided with stiffening rings, except as prescribed in the ASME Code.

(b) If a jacket is evacuated, it must be constructed in compliance with § 178.338–1(f). Stiffening rings may be used to meet these requirements.

§ 178.338–6 Manholes.

(a) Each tank in oxygen service must be provided with a manhole as prescribed in the ASME Code.

(b) Each tank having a manhole must be provided with a means of entrance and exit through the jacket, or the jacket must be marked to indicate the manway location on the tank.

(c) When a manhole is provided, it may not be located on the front head of the tank.

§ 178.338–7 Openings.

(a) The inlet to the liquid product discharge opening of each tank intended for flammable ladings must be at the bottom centerline of the tank.

(b) If the leakage of a single valve, except a pressure relief valve, pressure control valve, full trycock or gas phase manual vent valve, would permit loss of flammable material, an additional closure that is leak tight at the tank design pressure must be provided outboard of such valve.

§ 178.338–8 Pressure relief devices, piping, valves, and fittings.

(a) *Pressure relief devices.* Each tank pressure relief device must be designed, constructed, and marked in accordance with § 173.318(b) of this subchapter.

(b) *Piping, valves, and fittings.*

(1) All piping, valves, and fittings shall be as required by §§ 173.33(f) and 173.318(b) of this subchapter.

(2) Each valve must be suitable for the tank design pressure at the tank design service temperature.

(3) All fittings must be rated for the maximum tank pressure and suitable for the coldest temperature to which they will be subjected in actual service.

(4) All piping, valves and fittings must be grouped and protected from damage as required by § 178.338–10.

(5) When a pressure-building coil is used on a tank designed to handle oxygen or flammable ladings, the vapor connection to that coil must be provided with a valve or check valve as close to the tank as practicable to prevent the loss of vapor from the tank in case of damage to the coil. The liquid connection to that coil must also be provided with a valve.

§ 178.338–9 Holding time.

(a) "Holding time" is the time, as determined by testing, that will elapse from loading until the pressure of the contents, under equilibrium conditions, reaches the level of the lowest pressure control valve or pressure relief valve setting.

(b) *Holding time test.*

(1) The test to determine holding time must be performed by charging the tank with a cryogenic liquid having a boiling point, at a pressure of one atmosphere, absolute, no lower than the design service temperature of the tank. The tank must be charged to its maximum permitted filling density with that liquid and stabilized to the lowest practical pressure, which must be equal to or less than the pressure to be used for loading. The cargo tank together with its contents must then be exposed to ambient temperature.

(2) The tank pressure and ambient temperature must be recorded at 3-hour intervals until the pressure level of the contents reaches the set-to-discharge pressure of the pressure control valve or pressure relief valve with the lowest setting. This total time lapse in hours represents the measured holding time at the actual average ambient temperature. This measured holding time for the test cryogenic liquid must be adjusted to an equivalent holding time for each cryogenic liquid that is to be identified on or adjacent to the specification plate, at an average ambient temperature of 85°F. This is the rated holding time (RHT). The marked rated holding time (MRHT) displayed on or adjacent to the specification plate (see §178.318(b)(9)) may not exceed this RHT.

(c) *Optional test regimen.*

(1) If more than one cargo tank is made to the same design, only one cargo tank must be subjected to the full holding time test at the time of manufacture. However, each subsequent cargo tank made to the same design must be performance tested during its first trip. The holding time determined in this test may not be less than 90 percent of the marked rated holding time. This test must be performed in accordance with §§ 173.33(d)(1)(ii) and 177.840(h) of this subchapter, regardless of the classification of the cryogenic liquid.

(2) *Same design.* The term "same design" as used in this section means cryogenic cargo tanks made—

(i) By the same manufacturer;

(ii) To the same engineering drawings, and calculations;

(iii) To the same dimensions of length, diameter, and volume;

(iv) Of the same materials of construction; and

(v) With the same insulation system.

§ 178.338-10 Collision damage protection.

(a) All valves, fittings, pressure relief devices and other accessories to the tank proper, which are not isolated from the tank by closed intervening shut-off valves or check valves, must be installed within the motor vehicle framework or within a suitable collision resistant guard or housing, and appropriate ventilation must be provided. Each pressure relief device must be protected so that in the event of the upset of the vehicle onto a hard surface, the device's opening will not be prevented and its discharge will not be restricted.

(b) Each protective device or housing, and its attachment to the vehicle structure, must be designed to withstand static loading in any direction that it may be loaded as a result of front, rear, side, or sideswipe collision, or the overturn of the vehicle. The static loading shall equal twice the loaded weight of the tank and attachments. A safety factor of four, based on the ultimate strength of the material, shall be used. The protective device or the housing must be made of steel at least 3/16-inch thick, or other material of equivalent strength.

(c) Each tank motor vehicle must be provided with a least one rear bumper designed to protect the cargo tank and piping in the event of a rear end collision. The bumper design must transmit the force of the collision directly to the chasis of the vehicle. The rear bumper and its attachments to the chasis must be designed to withstand a load equal to twice the weight of the loaded cargo tank and attachments, using a safety factor of four based on the ultimate strength of the materials used, with such load being applied horizontally and parallel to the major axis of the cargo tank, or within 30 horizontal degrees thereof. The rear bumper dimensions must meet the requirements of §393.86 of this title and extend vertically to a height adequate to protect all valves and fittings located at the rear of the cargo tank from damage that could result in loss of lading.

(d) Every part of the loaded cargo tank, and any associated valve, pipe, enclosure, or protective device or structure (exclusive of wheel assemblies), must be at least 14 inches above level ground.

§ 178.338-11 Discharge control devices.

(a) Excess-flow valves are not required.

(b) Each liquid filling and liquid discharge line must be provided with a shut-off valve located as close to the tank as practicable. Unless this valve is manually operable at the valve, the line must also have a manual shut-off valve.

(c) Each liquid filling and liquid discharge line on a cargo tank intended for service transporting a flammable lading must be provided with a remotely controlled shut-off valve. If pressure from a reservoir or from an engine driven pump or compressor is used to open this valve, the control must be of fail-safe design, spring-biased to stop the admission of such pressure. If the jacket is not evacuated, the seat of the valve must be inside the tank, in the opening nozzle or flange, or in a companion flange bolted to the nozzle. If the jacket is evacuated, the remotely controlled valve must be located as close to the tank as practicable.

(1) On a cargo tank with a capacity in excess of 3,500 gallons of water, each remotely controlled shut-off valve must be provided with remote means of automatic closure, both mechanical and thermal, installed at the ends of the cargo tank in at least two diagonally opposite locations. The thermal means shall consist of fusible elements actuated at a temperature not exceeding 250°F., or equivalent devices. One means may be used to close more than one remotely controlled valve.

(2) On a cargo tank with a capacity of 3,500 gallons of water or less, each remotely controlled shut-off valve must be provided with at least one remote control station on the end of the cargo tank opposite the main control station. The remote control station must contain a manual means of closure. In addition, it may contain fusible elements actuated at a temperature not exceeding 250°F., or equivalent devices. One means may be used to close more than one remotely controlled valve.

§ 178.338-12 Shear section.

The design or installation of each valve, damage to which could result in loss of liquid or vapor, must incorporate a shear section or breakage groove adjacent to and outboard of the valve. The section or groove must yield or break under strain without damage to the valve that would allow the loss of liquid or vapor. The protection specified in § 178.338-10 is not a substitute for a shear section or breakage groove.

§ 178.338-13 Supports and anchoring.

(a) All attachments of supports and bumpers to tanks and to load-bearing jackets must be made by means of pads of material similar to that of the tank or jacket, by load rings, or by bosses designed or gusseted to distribute the load. The pad must be at least ¼-inch thick, or as thick as the tank or jacket material, if less, but shall in no case be thicker than the tank or jacket material. Each pad must extend at least four times its thickness, in each direction, beyond the weld attaching the support or bumper. Each pad must be preformed to an inside radius no greater than the outside radius of the tank or jacket at the place of attachment. Each pad corner must be rounded to a radius at least one-fourth the width of the pad and no greater than one-half the width of the pad. If weep holes or telltale holes are used, they must be drilled or punched before the pads are attached. Each pad must be attached to the tank or jacket by continuous fillet welding using filler material having properties conforming to the recommendations of the manufacturer of the tank or jacket material. Any fillet weld discontinuity may only be for the purpose of preventing an intersection between the fillet weld and a tank or jacket seam weld.

(b) A tank motor vehicle constructed so that the cargo tank constitutes in whole or in part the structural member used in place of a motor vehicle frame must have the tank or the jacket supported by external cradles or by load rings. A cargo tank mounted on a motor vehicle frame must have the tank or jacket supported by external cradles, load rings, or longitudinal members. If cradles are used, they must subtend at least 120 degrees of the cargo tank circumference. The design calculations for the supports and load bearing tank or jacket, and the support attachments must include beam stress, shear stress, torsion stress, bending moment, and acceleration stress for the loaded

vehicle as a unit, using a safety factor of four, based on the ultimate strength of the material, and static loadings that take into consideration the weight of the cargo tank and its attachments when filled to the design weight of the lading (see Appendix G of the ASME Code). The effects of fatigue must also be considered in the calculations. Minimum static loadings must be as follows:

(1) For a vacuum-insulated cargo tank—

(i) Vertically downward of 2;

(ii) Vertically upward of 2;

(iii) Longitudinally of 2; and

(iv) Laterally of 2.

(2) For a nonvacuum-insulated cargo tank—

(i) Vertically downward of 3;

(ii) Vertically upward of 2;

(iii) Longitudinally of 2; and

(iv) Laterally of 2.

(c) When a loaded tank is supported within the vacuum jacket by structural members, the design calculations for the tank and its structural members must use a safety factor of four, based on the ultimate strength of the material at the tank's design service temperature, and static loadings that take into consideration the weight of the tank and the structural members when the tank is filled to the design weight of lading (see Appendix G of the ASME Code). When load rings in the jacket are used for supporting the tank they must be designed to carry the fully loaded tank at the specified static loadings, plus external pressure. Minimum static loadings must be as follows:

(1) Vertically downward of 2;

(2) Vertically upward of 1½;

(3) Longitudinally of 1½; and,

(4) Laterally of 1½.

§ 178.338-14 Gauging devices.

(a) *Liquid level gauging devices.*

(1) Unless a cargo tank is intended to be filled by weight, it must be equipped with one or more gauging devices, which accurately indicate the maximum permitted liquid level at the loading pressure, in order to provide a minimum of two percent outage below the inlet of the pressure control valve or pressure relief valve at the condition of incipient opening of that valve. A fixed-length dip tube, a fixed trycock line, or a differential pressure liquid level gauge must be used as the primary control for filling. Other gauging devices, except gauge glasses, may be used, but not as the primary control for filling.

(2) The design pressure of each liquid level gauging device must be at least that of the tank.

(3) If a fixed length dip tube or trycock line gauging device is used, it must consist of a pipe or tube of small diameter equipped with a valve at or near the jacket and extending into the cargo tank to a specified filling height. The fixed height at which the tube ends in the cargo tank must be such that the device will function when the liquid reaches the maximum level permitted in loading. The setting (percent outage) must be indicated in a visible location at or adjacent to the valve.

(4) The liquid level gauging device used as a primary control for filling must be designed and installed to accurately indicate the maximum filling level at the point midway of the tank both longitudinally and laterally.

(b) *Pressure gauges.* Each cargo tank must be provided with a suitable pressure gauge indicating the lading pressure and located on the front of the jacket so it can be read by the driver in the rear view mirror. Each gauge must have a reference mark at the cargo tank design pressure or the set pressure of the pressure relief valve or pressure control valve, whichever is lowest.

(c) *Orifices.* All openings for dip tube gauging devices, trycock lines, and pressure gauges must be restricted at or inside the jacket by orifices no larger than 0.060-inch diameter.

§ 178.338-15 Cleanliness.

A cargo tank constructed for oxygen service must be thoroughly cleaned to remove all foreign material in accordance with CGA Pamphlet G-4.1. All loose particles from fabrication, such as weld beads, dirt, grinding wheel debris, and other loose materials, must be removed prior to the final closure of the manhole of the tank. Chemical or solvent cleaning with a material compatible with the intending lading must be performed to remove any contaminants likely to react with the lading.

§ 178.338-16 Inspection and testing.

(a) *General.* The material of construction of a cargo tank, its appurtenances, and the jacket if evacuated, must be inspected for compliance with the ASME Code. The tank must be subjected to either a hydrostatic or pneumatic test. The test pressure must be one and one-half times the sum of the design pressure, plus static head of lading, plus 14.7 psi if subjected to external vacuum, except that for tanks constructed in accordance with Part UHT of the ASME Code the test pressure must be twice the design pressure.

(b) *Additional requirements for pneumatic test.* A pneumatic test may be used in place of the hydrostatic test. Due regard for protection of all personnel should be taken because of the potential hazard involved in a pneumatic test. The pneumatic test pressure in the tank must be reached by gradually increasing the pressure to one-half of the test pressure. Thereafter, the test pressure must be increased in steps of approximately one-tenth of the test pressure until the required test pressure has been reached. Then the pressure must be reduced to a value equal to four-fifths of the test pressure and held for a sufficient time to permit inspection of the cargo tank for leaks.

(c) *Weld inspection.* All tank shell or head welds subject to pressure shall be radiographed in accordance with the ASME Code. A tank which has been subjected to inspection by the magnetic particle method, the liquid penetrant method, or any method involving a material deposit on the interior tank surface, must be cleaned to remove any such residue by scrubbing or equally effective means, and all such residue and cleaning solution must be removed from the tank prior to final closure of the tank.

(d) *Defect repair.* All cracks and other defects must be repaired as prescribed by the ASME Code. The welder and the welding procedure must be qualified in accordance with the ASME Code. After repair, the tank must again be postweld heat-treated, if such heat treatment was previously performed, and the repaired areas must be retested.

(e) Verification must be made of the interior cleanliness of a tank constructed for oxygen service by means that assure that all contaminants that are likely to react with the lading have been removed as required by § 178.338-15.

§ 178.338-17 Pumps.

See §§ 173.33(f) and 173.318(a)(4) of this subchapter.

§ 178.338-18 Marking.

(a) *Nameplate.* On the right side near the front of each tank a corrosion resistant metal nameplate must be permanently affixed by brazing or welding around its perimeter. If this nameplate is attached by welding, it must be welded before the tank is postweld heat-treated. The nameplate must be plainly marked by stamping, embossing, or other means of forming letters into the metal of the plate, in characters at least ⅜-inches high. The following information, in addition to that required by the ASME Code, must be included (parenthetical abbreviations may be used):

(1) DOT Specification number MC-338 (DOT MC-338);

(2) Material specification number (Mat. Spec. No.);

(3) Maximum density of lading for which the tank is designed (Max. Dens. of Lading);

(4) Water capacity, in pounds net at 60°F., with the tank at its coldest operating temperature, after deduction for the volume above the inlet to the pressure relief device or pressure control valve, structural members, baffles, piping, and other appurtenances inside the tank (W. Cap.); and

(5) Original test date (Orig. Test Date);

(b) *Specification plate.* An additional plate, in the form specified in paragraph (a) of this section, must be welded, brazed, or riveted to the jacket on the right side near the front, or at the control station, in a position readily legible to operating personnel. It must be marked with the information specified in paragraph (a) of this section and in addition, in characters at least ⅜-inches high, the following (parenthetical abbreviations may be used):

(1) Vehicle manufacturer (Veh. Mfr.);

(2) Manufacturer's vehicle serial number (Veh. No.);

(3) Lining material, if any (Lining);

(4) Date of manufacture (Date of Mfr.);

(5) Certificate date (Cert. Date);

(6) Design service temperature (Design Serv. Temp.);

(7) "Insulation for Oxygen Service" or "Not Authorized for Oxygen Service," as appropriate;

(8) Maximum weight of lading for which the cargo tank is designed, in pounds (Max. Net Wgt.——lbs.);

(9) Marked rated holding time for at least one cryogenic liquid, in hours, and the name of that cryogen (MRHT——hrs., name of cryogen). MRHT markings for additional cryogenic liquids may be displayed on or adjacent to the specification plate.

(c) The design weight of lading used in determining the loading in §§ 178.338-3(b), 178.338-10 (b) and (c), and 178.338-13 (b) and (c) must be shown as the maximum weight of lading marking required by paragraph (b) of this section.

§ 178.338-19 Certification.

(a) The manufacturer of a cargo tank vehicle shall furnish to the owner of the completed vehicle, at or before the time of delivery, the following:

(1) the tank manufacturer's data report required by the ASME Code,

(2) a photograph, pencil rub, or other facsimile of the plates required by paragraphs (a) and (b) of § 178.338-18, and

(3) a certificate bearing the manufacturer's vehicle serial number stating that the completed cargo tank vehicle conforms to all applicable requirements of Specification MC-338, including the ASME Code, in effect on the date (month, year) of certification.

(b) In the case of a cargo tank vehicle manufactured in two or more stages, each manufacturer who performs a manufacturing operation on the incomplete vehicle or portion thereof shall furnish to the succeeding manufacturer, at or before the time of delivery, a certificate covering the particular operation performed by that manufacturer and any certificates received from previous manufacturers. The certificates must include sufficient sketches, drawings, and other information to indicate the location, make, model and size of each valve and the arrangement of all piping associated with the tank. Each certificate must be signed by an official of the manufacturing firm responsible for the portion of the complete cargo tank vehicle represented thereby, such as basic tank fabrication, insulation, jacket, or piping. The final manufacturer shall furnish the owner with all certificates, as well as the documents required by paragraph (a) of the section.

(c) The owner shall retain the data report, certificates, and related papers throughout his ownership of the cargo tank. In the event of change of ownership, the prior owner shall retain non-fading photographically reproduced copies of these documents for at least one year. Each operator using the cargo tank vehicle, if not the owner thereof, shall obtain a copy of the data report and the certificate or cetificates and retain them during the time he uses the cargo tank and for at least one year thereafter.

PART 179—SPECIFICATIONS FOR TANK CARS

46. The Table of Sections of Part 179 is amended by revising the headings for Subpart F and §§ 179.400 and 179.401 to read as follows:

Subpart F—Specification for Cryogenic Liquid Tank Car Tanks and Seamless Steel Tanks (Classes DOT-113 and 107A)

* * * * *

179.400 *General specification applicable to cryogenic liquid tank car tanks.*

179.401 *Individual specification requirements applicable to inner tanks for cryogenic liquid tank car tanks.*

* * * * *

47. In § 179.100-7, the Table in paragraph (a) is amended by removing the entry for "ASTM A 537-70, GR. A" and replacing it with an entry for "ASTM A 537-80, Class 1" as follows:

§ 179.100-7 Materials.

(a) * * *

Specifications	Minimum tensile strength (p.s.i.) welded condition [1]	Minimum elongation in 2 inches (percent) welded condition (longitudinal)
(REMOVE)		
ASTM A 537-70, GR. A	70,000	23
(ADD)		
ASTM A 537-80, Class 1	70,000	23

* * * * *

§ 179.102-1 [Amended]

48. In § 179.102-1, the heading and the introductory text of paragraph (a) are amended by removing the words "liquefied carbon dioxide" and inserting, in their place, the words "carbon dioxide, liquid (*refrigerated*)".

49. Section 179.102-4 is revised to read as follows:

§ 179.102-4 Vinyl fluoride, inhibited.

Each tank used to transport vinyl fluoride, inhibited, must comply with the following special requirements:

(a) The tank must comply with specification DOT-105A600W and must be designed for loading at minus 50° F. or colder.

(b) All plates for the tank, and appurtenances must be fabricated of—

(1) Stainless steel, ASTM Specification A240, Type 304, 304L, 316 or 316L, in which case impact tests are not required; or

(2) Steel complying with ASTM Specification A516; Grade 70; ASTM Specification A537, Class 1; or AAR Specification TC128, Grade B, in which case impact tests must be performed as follows:

(i) ASTM Specification A516 and A537 material must meet the Charpy V-notch test requirements, in longitudinal direction of rolling, of ASTM Specification A20.

(ii) AAR Specification TC128 material must meet the Charpy V-notch test requirements, in longitudinal direction of rolling, of 15 ft./lb. minimum average for 3 specimens, with a 10 ft./lb. minimum for any one specimen, at minus 50° F. or colder, in accordance with ASTM Specification A370.

(iii) Production welded test plates must—

(A) Be prepared in accordance with AAR Specifications for Tank Cars, Appendix W, W4.00;

(B) Include impact specimens of weld metal and heat affected zone prepared and tested in accordance with AAR Specifications for Tank Cars, Appendix W, W9.00; and

(C) Meet the same impact requirements as the plate material.

(c) Insulation must be of approved material.

(d) The tank must be equipped with at least one safety relief valve, set for the start-to-discharge pressure listed in § 179.101-1. The discharge capacity of each safety relief device must be sufficient to prevent the build up of pressure in the tank in excess of 82½ percent of the tank test pressure. The discharge from each safety relief device must be directed outside the protective housing.

(e) Excess flow valves must be installed under all liquid and vapor valves, except safety relief valves.

(f) A thermometer well may be installed.

(g) A gaging device may be installed. If one is installed it must be a fixed length dip tube.

(h) A pressure gage may be installed.

(i) Aluminum, copper, silver, zinc, or an alloy containing any of these metals may not be used in the tank construction, or in fittings in contact with the lading.

(j) The jacket must be stenciled, adjacent to the water capacity stencil, "COLDEST LADING TEMPERATURE ——— ° F."

(k) The tank car and insulation must be designed to prevent the vapor pressure of the lading from increasing from the pressure at the maximum allowable filling density to the start-to-discharge pressure of the safety relief valve within 30 days, at an ambient temperature of 90° F.

(l) Tank anchor-to-tank shell fillet welds must be examined by radioscopy or other non-destructive testing technique and must meet the acceptance standards of AAR Specifications for Tank Cars, Appendix W, paragraph W11.06.

50. Section 179.102-17 is added to read as follows:

§ 179.102-17 Hydrogen chloride, liquid (refrigerated).

Each tank car used to transport hydrogen chloride, liquid (*refrigerated*) must comply with the following special requirements:

(a) The tank car must comply with Specification DOT-105A600W and be designed for loading at minus 50° F. or colder.

(b) All plates for the tank and appurtenances must be fabricated of—

(1) Stainless steel, ASTM Specification A240, Type 304, 304L, 316, or 316L, in which case impact tests are not required; or

(2) Steel complying with ASTM Specification A516, Grade 70; ASTM Specification A537, Class 1; or AAR Specification TC128, Grade B, in which case impact tests must be performed as follows:

(i) ASTM Specification A516 and A537 material must meet the Charpy V-notch test requirements, in longitudinal direction of rolling, of ASTM Specification A20.

(ii) AAR Specification TC128 material must meet the Charpy V-notch test requirements, in longitudinal direction of rolling, of 15 ft./lb. minimum average for 3 specimens, with a 10 ft./lb. minimum for any one specimen, at minus 50° F. or colder, in accordance with ASTM Specification A370.

(iii) Production welded test plates must—

(A) Be prepared in accordance with AAR Specifications for Tank Cars, Appendix W, W4.00;

(B) include impact test specimens of weld metal and heat affected zone prepared and tested in accordance with AAR Specifications for Tank Cars, Appendix W, W9.00; and

(C) meet the same impact requirements as the plate material.

(c) Insulation must be of approved material.

(d) Safety relief valves must be trimmed with monel or other approved material and equipped with a frangible disc of silver, a fluorinated hydrocarbon polymer coated monel, or tantalum. Each safety relief device shall have the space between the frangible disc and the relief valve vented with a suitable auxiliary valve. The discharge from each safety relief valve must be directed outside the protective housing.

(e) Loading and unloading valves must be trimmed with Hastelloy B or C, monel, or other approved material, and identified as "Vapor" or "Liquid". Excess flow valves must be installed under all liquid and vapor valves, except safety relief valves.

(f) A thermometer well may be installed.

(g) A gaging device may be installed. If installed the gage must be a fixed length dip tube.

(h) A sump must be installed in the bottom of the tank under the liquid pipes.

(i) All gaskets must be made of, or coated with, a fluorinated hydrocarbon polymer, or other approved material.

(j) The tank car tank may be equipped with exterior cooling coils on top of the tank car shell.

(k) The jacket must be stenciled, adjacent to the water capacity stencil, "COLDEST LADING TEMPERATURE ——— ° F."

(l) The tank car and insulation must be designed to prevent the pressure of the lading from increasing from the pressure at the maximum allowable filling density to the start-to-discharge pressure of the safety relief valve within 30 days, at an ambient temperature of 90° F.

(m) Tank anchor-to-tank shell fillet welds must be examined by radioscopy or other non-destructive testing techniques and must meet the acceptance standards of AAR Specifications for Tank Cars, Appendix W, paragraph W11.06.

51. The heading of Subpart F and § 179.400 consisting of §§ 179.400-1 to 179.400-26 are revised to read as follows:

Subpart F—Specification for Cryogenic Liquid Tank Car Tanks and Seamless Steel Tanks (Classes DOT—113 and 107A)

§ 179.400 General specification applicable to cryogenic liquid tank car tanks.

§ 179.400-1 General.

A tank built to this specification must comply with §§ 179.400 and 179.401.

§ 179.400-2 Approval.

See § 179.3 for approval procedure.

§ 179.400-3 Type.

(a) A tank built to this specification must—

(1) Consist of an inner tank of circular cross section supported essentially concentric within an outer jacket of circular cross section, with the out of roundness of both the inner tank and outer jacket limited in accordance with Section VIII, Division I, Paragraph UG-80 of the ASME Code;

(2) Have the annular space evacuated after filling the annular space with an approved insulating material;

(3) Have the inner tank heads designed concave to pressure; and

(4) Have the outer jacket heads designed convex to pressure.

(b) The tank must be equipped with piping systems for vapor venting and transfer of lading, and with pressure relief devices, controls, gages and valves, as prescribed herein.

§179.400-4 Insulation system and performance standard.

(a) For the purposes of this specification—

(1) *Standard Heat Transfer Rate* (SHTR), expressed in Btu/day/lb., means the rate of heat transfer used for determining the satisfactory performance of the insulation system of a cryogenic tank car tank (see § 179.401-1 Table).

(2) *Test cryogenic liquid* means the cryogenic liquid, which may be different from the lading intended to be shipped

in the tank, being used during the performance tests of the insulation system.

(3) *Normal evaporation rate* (NER), expressed in lbs. (of the cryogenic liquid)/day, means the rate of evaporation, determined by test of a test cryogenic liquid in a tank maintained at a pressure of approximately one atmosphere, absolute. This determination of the NER is the NER test.

(4) *Stabilization period* means the elapsed time after a tank car tank is filled with the test cryogenic liquid until the NER has stabilized, or 24 hours has passed, whichever is greater.

(5) *Calculated heat transfer rate.* The calculated heat transfer rate (CHTR) is determined by the use of test data obtained during the NER test in the formula:

$$q=[N(\Delta h)(90-t_l)]/[V(8.32828)(t_s-t_l)]$$

Where:

q = CHTR, in Btu/day/lb.;
N = NER, determined by NER test, in lbs./day;
Δh = latent heat of vaporization of the test cryogenic liquid at the NER test pressure of approximately one atmosphere, absolute, in Btu/lb.;
90 = ambient temperature at 90° F.
V = gross water volume at 60° F. of the inner tank, in gallons;
t_l = equilibrium temperature of intended lading at maximum shipping pressure, in ° F.;
8.32828 = constant for converting gallons of water at 60° F. to lbs. of water at 60° F., in lbs./gallon;
t_s = average temperature of outer jacket, determined by averaging jacket temperatures at various locations on the jacket at regular intervals during the NER test, in ° F.;
t_l = equilibrium temperature of the test cryogenic liquid at the NER test pressure of approximately, one atmosphere, absolute, in ° F.

(b) DOT-113A60W tank cars must—

(1) Be filled with hydrogen, cryogenic liquid to the maximum permitted fill density specified in § 173.319(d)(2) Table of this subchapter prior to performing the NER test; and

(2) Have a CHTR equal to or less than the SHTR specified in § 179.401-1 table for a DOT-113A60W tank car.

(c) DOT-113C120W tank cars must—

(1) Be filled with ethylene, cryogenic liquid to the maximum permitted fill density specified in § 173.319(d)(2) Table of this subchapter prior to performing the NER test, or be filled with nitrogen, cryogenic liquid to 90 percent of the volumetric capacity of the inner tank prior to performing the NER test; and

(2) Have a CHTR equal to or less than 75 percent of the SHTR specified in § 179.401-1 Table for a DOT-113C120W tank car.

(d) Insulating material must approved.

(e) If the insulation consists of a powder having a tendency to settle, the entire top of the cylindrical portion of the inner tank must be insulated with a layer of glass fiber insulation at least one-inch nominal thickness, or equivalent, suitably held in position and covering an area extending 25 degrees to each side of the top center line of the inner tank.

(f) The outer jacket must be provided with fittings to permit effective evacuation of the annular space between the outer jacket and the inner tank.

(g) A device to measure the absolute pressure in the annular space must be provided. The device must be portable with an easily accessible connection or permanently positioned where it is readily visible to the operator.

§ 179.400-5 Materials.

(a) Stainless steel of ASTM Specification A240, Type 304 or 304L must be used for the inner tank and its appurtenances, as specified in AAR Specifications for Tank Cars, Appendix M, and must be—

(1) In the annealed condition prior to fabrication, forming and fusion welding;

(2) Suitable for use at the temperature of the lading; and

(3) Compatible with the lading.

(b) Any steel casting, steel forging, steel structural shape or carbon steel plate used to fabricate the outer jacket or heads must be as specified in AAR Specifications for Tank Cars, Appendix M.

(c) *Impact tests* must be—

(1) Conducted in accordance with AAR Specifications for Tank Cars, Appendix W, W9.01;

(2) Performed on longitudinal specimens of the material;

(3) Conducted at the tank design service temperature or colder; and

(4) Performed on test plate welds and materials used for inner tanks and appurtenances and which will be subjected to cryogenic temperatures.

(d) Impact test values must be equal to or greater than those specified in AAR Specifications for Tank Cars, Appendix W. The report of impact tests must include the test values and lateral expansion data.

§ 179.400-6 Bursting and buckling pressure.

(a) The inner tank shall have a bursting pressure no less than that listed in § 179.401-1.

(b) The outer jacket of the required evacuated insulation system must be designed in accordance with § 179.400-7(d) and in addition must comply with the design loads specified in Section 6.2 of the AAR Specifications for Tank Cars. The designs and calculations must provide for the loadings transferred to the outer jacket through the support system.

§ 179.400-7 Tank heads.

(a) Tank heads of the inner tank and outer jacket must be flanged and dished, or ellipsoidal.

(b) Flanged and dished heads must have—

(1) A main inside dish radius not greater than the outside diameter of the straight flange;

(2) An inside knuckle radius of not less than 6 percent of the outside diameter of the straight flange; and

(3) An inside knuckle radius of at least three times the head thickness.

§ 179.400-8 Thickness of plates.

(a) The minimum wall thickness, after forming, of the inner shell and any 2:1 ellipsoidal head for the inner tank must be that specified in § 179.401-1, or that calculated by the following formula, whichever is greater:

$$t=Pd/2SE$$

Where:

t = minimum thickness of plate, after forming, in inches;
P = minimum required bursting pressure, in psi;
d = inside diameter, in inches;
S = minimum tensile strength of the plate material, as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1, in psi;
E = 0.9, a factor representing the efficiency of welded joints, except that for seamless heads, E = 1.0.

(b) The minimum wall thickness, after forming, of any 3:1 ellipsoidal head for the inner tank must be that specified in § 179.401-1, or that calculated by the following formula, whichever is greater:

$$t=1.83\ Pd/2SE$$

Where:

t = minimum thickness of plate, after forming, in inches;
P = minimum required bursting pressure, in psi;
d = inside diameter, in inches;
S = minimum tensile strength of the plate material, as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1, in psi;
E = 0.9, a factor representing the efficiency of welded joints, except that for seamless heads, E = 1.0.

(c) The minimum wall thickness, after forming, of a flanged and dished head for the inner tank must be that specified

in § 179.401–1, or that calculated by the following formula, whichever is greater:

$$t = PL[(3 + \sqrt{(L/r)}]/8SE$$

Where:

t = minimum thickness of plate, after forming, in inches;
P = minimum required bursting pressure, in psi;
L = main inside radius of dished head, in inches;
r = inside knuckle radius, in inches;
S = minimum tensile strength of plate material, as prescribed in AAR Specifications for Tank Cars, Appendix M, Table M1, in psi;
E = 0.9, a factor representing the efficiency of welded joints, except that for seamless heads, E = 1.0.

(d) The minimum wall thickness, after forming, of the outer jacket shell may not be less than 7/16 inch. The minimum wall thickness, after forming, of the outer jacket heads may not be less than ½ inch and they must be made from steel specified in § 179.100–23(a)(1). The annular space is to be evacuated, and the cylindrical portion of the outer jacket between heads, or between stiffening rings if used, must be designed to withstand an external pressure of 37.5 psi (critical collapsing pressure), as determined by the following formula:

$$P_c = [2.6E(t/D)^{2.5}]/[(L/D) - 0.45(t/D)^{0.5}]$$

Where:

P_c = Critical collapsing pressure (37.5 psi minimum), in psi;
E = modulus of elasticity of jacket material, in psi;
t = minimum thickness of jacket material, after forming, in inches;
D = outside diameter of jacket, in inches;
L = distance between stiffening ring centers in inches. (The heads may be considered as stiffening rings located ⅓ of the head depth from the head tangent line.)

§ 179.400–9 Stiffening rings.

(a) If stiffening rings are used in designing the cylindrical portion of the outer jacket for external pressure, they must be attached to the jacket by means of fillet welds. Outside stiffening ring attachment welds must be continuous on each side of the ring. Inside stiffening ring attachment welds may be intermittent welds on each side of the ring with the total length of weld on each side not less than one-third of the circumference of the tank. The maximum space between welds may not exceed eight times the outer jacket wall thickness.

(b) A portion of the outer jacket may be included when calculating the moment of inertia of the ring. The effective width of jacket plate on each side of the attachment of the stiffening ring is given by the following formula:

$$W = 0.78(Rt)^{0.5}$$

Where:

W = width of jacket effective on each side of the stiffening ring, in inches;
R = outside radius of the outer jacket, in inches;
t = plate thickness of the outer jacket, after forming, in inches.

(c) Where a stiffening ring is used that consists of a closed section having two webs attached to the outer jacket, the jacket plate between the webs may be included up to the limit of twice the value of "W", as defined in paragraph (B) of this section. The outer flange of the closed section, if not a steel structural shape, is subject to the same limitations with "W" based on the "R" and "t" values of the flange. Where two separate members such as two angles, are located less than "2W" apart they may be treated as a single stiffening ring member. (The maximum length of plate which may be considered effective is 4W.) The closed section between an external ring and the outer jacket must be provided with a drain opening.

(d) The stiffening ring must have a moment of inertia large enough to support the critical collapsing pressure, as determined by either of the following formulas:

$$I = [0.035D^3LP_c]/E, \text{ or}$$
$$I' = [0.046D^3LP_c]/E$$

Where:

I = required moment of inertia of stiffening ring about the centroidal axis parallel to the vessel axis, in inches to the fourth power;
I' = required moment of inertia of combined section of stiffening ring and effective width of jacket plate about the centroidal axis parallel to the vessel axis, in inches to the fourth power;
D = outside diameter of the outer jacket, in inches;
L = one-half of the distance from the centerline of the stiffening ring to the next line of support on one side, plus one-half of the distance from the centerline to the next line of support on the other side of stiffening ring. Both distances are measured parallel to the axis of the vessel, in inches. (A line of support is:

(1) A stiffening ring which meets the requirements of this paragraph, or

(2) A circumferential line of a head at one-third the depth of the head from the tangent line);

P_c = critical collapsing pressure (37.5 psi minimum), in psi;
E = modulus of elasticity of stiffening ring material, in psi.

(e) Where loads are applied to the outer jacket or to stiffening rings from the system used to support the inner tank within the outer jacket, additional stiffening rings, or an increased moment of inertia of the stiffening rings designed for the external pressure, must be provided to carry the support loads.

§ 179.400–10 Sump or siphon bowl.

A sump or siphon bowl may be in the bottom of the inner tank shell if—

(a) It is formed directly into the inner tank shell, or is formed and welded to the inner tank shell and is of weldable quality metal that is compatible with the inner tank shell;

(b) The stress in any orientation under any condition does not exceed the circumferential stress in the inner tank shell; and

(c) The wall thickness is not less than that specified in § 179.401–1.

§ 179.400–11 Welding.

(a) Except for closure of openings and a maximum of two circumferential closing joints in the cylindrical portion of the outer jacket, each joint of an inner tank and the outer jacket must be a fusion double welded butt joint.

(b) The closure for openings and the circumferential closing joints in the cylindrical portion of the outer jacket, including head to shell joints, may be a single welded butt joint using a backing strip on the inside of the joint.

(c) Each joint must be welded in accordance with the requirements of AAR Specifications for Tank Cars, Appendix W.

(d) Each welding procedure, welder, and fabricator must be approved.

§ 179.400–12 Postweld heat treatment.

(a) Postweld heat treatment of the inner tank is not required.

(b) The cylindrical portion of the outer jacket, with the exception of the circumferential closing seams, must be postweld heat treated as prescribed in AAR Specifications for Tank Cars, Appendix W. Any item to be welded to this portion of the outer jacket must be attached before postweld heat treatment. Welds securing the following need not be postweld heat treated when it is not practical due to final assembly procedures:

(1) the inner tank support system to the outer jacket,

(2) connections at piping penetrations,

(3) closures for access openings, and

(4) circumferential closing joints of head to shell joints.

(c) When cold formed heads are used on the outer jacket they must be heat treated before welding to the jacket shell if postweld heat treatment is not practical due to assembly procedures.

§ 179.400–13 Support system for inner tank.

(a) The inner tank must be supported within the outer jacket by a support

system of approved design. The system and its areas of attachment to the outer jacket must have adequate strength and ductility at operating temperatures to support the inner tank when filled with the lading to any level incident to transportation.

(b) The support system must be designed to support, without yielding, impact loads producing accelerations of the following magnitudes and directions when the inner tank is fully loaded and the car is equipped with a conventional draft gear:

Longitudinal	7"g"
Transverse	3"g"
Vertical	3"g"

The longitudinal acceleration may be reduced to 3"g" where a cushioning device of approved design, which has been tested to demonstrate its ability to limit body forces to 400,000 pounds maximum at 10 miles per hour, is used between the coupler and the tank structure.

(c) The inner tank and outer jacket must be permanently bonded to each other electrically, by either the support system, piping, or a separate electrical connection of approved design.

§ 179.400-14 Cleaning of inner tank.

The interior of the inner tank and all connecting lines must be thoroughly cleaned and dried prior to use. Proper precautions must be taken to avoid contamination of the system after cleaning.

§ 179.400-15 Radioscopy.

Each longitudinal and circumferential joint of the inner tank, and each longitudinal and circumferential double welded butt joint of the outer jacket, must be examined along its entire length in accordance with the requirements of AAR Specifications for Tank Cars, Appendix W.

§ 179.400-16 Access to inner tank.

(a) The inner tank must be provided with a means of access having a minimum inside diameter of 16 inches. Reinforcement of the access opening must be made of the same material used in the inner tank. The access closure must be of an approved material and design.

(b) If a welded closure is used, it must be designed to allow it to be reopened by grinding or chipping and to be closed again by rewelding, preferably without a need for new parts. A cutting torch may not be used.

§ 179.400-17 Inner tank piping.

(a) *Product lines.* The piping system for vapor and liquid phase transfer and venting must be made for material compatible with the product and having satisfactory properties at the lading temperature. The outlets of all vapor phase and liquid phase lines must be located so that accidental discharge from these lines will not impinge on any metal of the outer jacket, car structures, trucks or safety appliances. Suitable provison must be made to allow for thermal expansion and contraction.

(1) *Loading and unloading line.* A liquid phase transfer line must be provided and it must have a manually operated shut-off valve located as close as practicable to the outer jacket, plus a secondary closure that is liquid and gas tight. This secondary closure must permit any trapped pressure to bleed off before the closure can be removed completely. A vapor trap must be incorporated in the line and located as close as practicable to the inner tank. On a DOT-113A60W tank car, any loading and unloading line must be vacuum jacketed between the outer jacket and the shut-off valve and the shut-off valve must also be vacuum jacketed

(2) *Vapor phase line.* A vapor phase line must connect to the inner tank and must be of sufficient size to permit the pressure relief devices specified in § 179.400-20 and connected to this line to operate at their design capacity without excessive pressure build-up in the tank. The vapor phase line must have a manually operated shut-off valve located as close as practicable to the outer jacket, plus a secondary closure that is liquid and gas tight. This secondary closure must permit any trapped pressure to bleed off before the closure can be removed completely.

(3) *Vapor phase blowdown line.* A blowdown line must be provided. It must be attached to the vapor phase line specified in paragraph (a)(2) of this section, upstream of the shut-off valve in that line. A by-pass line with a manually operated shut-off valve must be provided to permit reduction of the inner tank pressure when the vapor phase line is connected to a closed system. The discharge from this line must be outside the housing and must be directed upward and away from operating personnel.

(b) Any pressure building system provided for the purpose of pressurizing the vapor space of the inner tank to facilitate unloading the liquid lading must be approved.

§ 179.400-18 Test of inner tank.

(a) After all items to be welded to the inner tank have been welded in place, the inner tank must be pressure tested at the test pressure prescribed in § 179.401-1. The temperature of the pressurizing medium may not exceed 100°F. during the test. The inner tank must hold the prescribed pressure for a period of not less than ten minutes without leakage or distortion. In a pneumatic test, due regard for the protection of all personnel should be taken because of the potential hazard involved. After a hydrostatic test the container and piping must be emptied of all water and purged of all water vapor.

(b) Caulking of welded joints to stop leaks developed during the test is prohibited. Repairs to welded joints must be made as prescribed in AAR Specifications for Tank Cars, Appendix W.

§ 179.400-19 Valves and gages.

(a) *Valves.* Manually operated shut-off valves and control valves must be provided wherever needed for control of vapor phase pressure, vapor phase venting, liquid transfer and liquid flow rates. All valves must be made from approved materials compatible with the lading and having satisfactory properties at the lading temperature.

(1) Liquid control valves must be of extended stem design.

(2) Packing, if used, must be satisfactory for use in contact with the lading and of approved materials that will effectively seal the valve stem without causing difficulty of operation.

(3) Each control valve and shut-off valve must be readily operable. These valves must be mounted so that their operation will not transmit excessive forces to the piping system.

(b) *Gages.* Gages, except portable units, must be securely mounted within suitable protective housings. A liquid level gage and a vapor phase pressure gage must be provided as follows:

(1) *Liquid level gage.*

(i) A gage of approved design to indicate the quantity of liquefied lading within the inner tank, mounted where it will be readily visible to an operator during transfer operations or storage, or a portable gage with a readily accessible connection, or

(ii) A fixed length dip tube, with a manually operated shut-off valve located as close as practicable to the outer jacket. The dip tube must indicate the maximum liquid level for the allowable filling density. The inner end of the dip tube must be located on the longitudinal centerline of the inner tank and within four feet of the transverse centerline of the inner tank.

(2) *Vapor phase pressure gage.* A vapor phase pressure gage of approved design, with a manually operated shut-off valve located as close as practicable to the outer jacket. The gage must

indicate the vapor pressure within the inner tank and must be mounted where it will be readily visible to an operator. An additional fitting for use of a test gage must be provided.

§ 179.400-20 Pressure relief devices.

(a) The tank must be provided with pressure relief devices for the protection of the tank assembly and piping system. The discharge from these devices must be directed away from operating personnel, principal load bearing members of the outer jacket, car structure, trucks and safety appliances. Vent or weep holes in pressure relief devices are prohibited. All main pressure relief devices must discharge to the outside of the protective housings in which they are located, except that this requirement does not apply to pressure relief valves installed to protect isolated sections of lines between the final valve and end closure.

(b) *Materials.* Materials used in pressure relief devices must be suitable for use at the temperature of the lading and otherwise compatible with the lading in both the liquid and vapor phases.

(c) *Inner tank.* Pressure relief devices for the inner tank must be attached to vapor phase piping and mounted so as to remain at ambient temperature prior to operation. The inner tank must be equipped with one or more pressure relief valves and one or more safety vents (except as noted in paragraph (c)(3)(iv) of this section), and installed without an intervening shut-off valve (except as noted in paragraph (c)(3)(iii) of this section). Additional requirements are as follows:

(1) *Safety vent.* The safety vent shall function at the pressure specified in § 179.401-1. The safety vent must be flow rated in accordance with the applicable provisions of AAR Specifications for Tank Cars, Appendix A, and provide sufficient capacity to meet the requirements of AAR Specifications for Tanks Cars, Appendix A, A8.07(a).

(2) *Pressure relief valve.* The pressure relief valve must:

(i) be set to start-to-discharge at the pressure specified in § 179.401-1, and

(ii) meet the requirements of AAR Specifications for Tank Cars, Appendix A, A8.07(b).

(3) *Installation of safety vent and pressure relief valve.*

(i) *Inlet piping.*

(A) The opening through all piping and fittings between the inner tank and its pressure relief devices must have a cross-sectional area at least equal to that of the pressure relief device inlet, and the flow characteristics of this upstream system must be such that the pressure drop will not adversely affect the relieving capacity or the proper operation of the pressure relief device.

(B) When the required relief capacity is met by the use of multiple pressure relief device placed on one connection, the inlet internal cross-sectional area of this connection must be sufficient to provide the required flow capacity for the proper operation of the pressure relief device system.

(ii) *Outlet piping.*

(A) The opening through the discharge lines must have a cross-sectional area at least equal to that of the pressure relief device outlet and may not reduce the relieving capacity below that required to properly protect the inner tank.

(B) When the required relieving capacity is met by use of multiple pressure relief devices placed on a common discharge manifold, the manifold outlet internal cross-sectional area must be at least equal to the combined outlet areas of the pressure relief devices.

(iii) Duplicate pressure relief devices may be used when an approved 3-way selector valve is installed to provide for relief through either duplicate pressure relief device. The 3-way valve must be included in the mounting prescribed by AAR Specifications for Tank Cars, Appendix A, A6.02(g), when conducting the flow capacity test on the safety vent prescribed by AAR Specifications for Tank Cars, Appendix A, A6.01. Flow capacity tests must be performed with the 3-way valve at both of the extreme positions as well as at the mid-position and the flow capacity must be in accordance with AAR Specifications for Tank Cars, Appendix A, A8.07(a).

(iv) An alternate pressure relief valve, set as required in § 179.401-1, may be used in lieu of the safety vent, provided it meets the flow capacity prescribed in AAR Specifications for Tank Cars, Appendix A at a flow rating pressure of 110 percent of its start-to-discharge pressure. Installation must—

(A) Prevent moisture accumulation at the seat by providing drainage away from that area,

(B) Permit periodic drainage of the vent piping, and

(C) Prevent accumulation of foreign material in the vent system.

(4) *Evaporation control.* The routine release of vaporized lading may be controlled with a pressure controlling and mixing device, except that a pressure controlling and mixing device is required on each DOT-113A60W car. Any pressure controlling and mixing device must—

(i) Be set to start-to-discharge at a pressure not greater than that specified in § 179.401-1;

(ii) Have sufficient capacity to limit the pressure within the inner tank to that pressure specified in § 179.401-1, when the discharge is equal to twice the normal venting rate during transportation, with normal vacuum and the outer shell at 130°F; and

(iii) Prevent the discharge of a gas mixture exceeding 50% of the lower flammability limit to the atmosphere under normal conditions of storage or transportation.

(5) *Safety interlock.* If a safety interlock is provided for the purpose of allowing transfer of lading at a pressure higher than the pressure control valve setting but less than the pressure relief valve setting, the design must be such that the safety interlock will not affect the discharge path of the pressure relief value or safety vent at any time. The safety interlock must automatically provide an unrestricted discharge path for the pressure control device at all times when the tank car is in transport service.

(d) *Outer jacket.* The outer jacket must be provided with a suitable system to prevent buildup of annular space pressure in excess of 16 psig or the external pressure for which the inner tank was designed, whichever is less. The total relief area provided by the system must be a minimum of 25 square inches, and means must be provided to prevent clogging of any system opening, as well as to ensure adequate communication to all areas of the insulation space. If a safety vent is a part of the system, it must be designed to prevent distortion of the frangible disc when the annular space is evacuated.

(e) *Piping system.* Where a piping circuit can be isolated by closing a valve, means for pressure relief must be provided.

§ 179.400-21 Test of pressure relief valves.

Each valve must be tested with air or gas for compliance with § 179.401-1 before being put into service.

§ 179.400-22 Protective housings.

Each valve, gage, closure and pressure relief device, with the exception of secondary relief valves for the protection of isolated piping, must be enclosed within a protective housing. The protective housing must be adequate to protect the enclosed components from direct solar radiation, mud, sand, adverse environmental exposure and mechanical damage

incident to normal operation of the tank car. It must be designed to provide reasonable access to the enclosed components for operation, inspection and maintenance and so that vapor concentrations cannot build up to a dangerous level inside the housing in the event of valve leakage or pressure relief valve operation. All equipment within the protective housing must be operable by personnel wearing heavy gloves and must incorporate provisions for locks or seals. A protective housing and its cover must be constructed of metal not less than 0.119 inch thick.

§ 179.400-23 Operating instructions.

All valves and gages must be clearly identified with corrosion-resistant nameplates. A plate of corrosion-resistant material bearing precautionary instructions for the safe operation of the equipment during storage and transfer operations must be securely mounted so as to be readily visible to an operator. The instruction plate must be mounted in each housing containing operating equipment and controls for product handling. These instructions must include a diagram of the tank and its piping system with the various gages, control valves and pressure relief devices clearly identified and located.

§ 179.400-24 Stamping.

(a) A tank that complies with all specification requirements must have the following information plainly and permanently stamped into the metal near the center of the head of the outer jacket at the "B" end of the car, in letters and figures at least ⅜-inch high, in the following order:

	Example of required stamping
Specification	DOT-113A60W.
Design service temperature	Minus 423° F.
Inner tank	Inner Tank.
Material	ASTM A240-304.
Shell thickness	Shell 5/16 inch.
Head thickness	Head 5/16 inch.
Inside diameter	ID 107 inch.
Inner tank builder's initials	ABC.
Date of original test (month and year) and initials of person conducting original test.	00-0000GHK.
Water capacity	00000 lbs.
Outer jacket	Outer jacket.
Material	ASTM A515-70.
Outer jacket builder's initials	DEF.
Car assembler's initials (if other than inner tank or outer jacket builder).	XYZ.

(b) Any stamping on the shell or heads of the inner tank is prohibited.

(c) In lieu of the stamping required by paragraph (a) of this section, the specified markings may be incorporated on a data plate of corrosion-resistant metal, fillet welded in place on the head of the outer jacket at the "B" end of the car.

§ 179.400-25 Stenciling.

Each tank car must be stenciled in compliance with the provisions of the AAR Specifications for Tank Cars, Appendix C. The stenciling must also include the following:

(a) The date on which the frangible disc was last replaced and the initials of the person making the replacement, on the outer jacket in letters and figures at least 1½ inches high.

(b) The design service temperature and maximum lading weight, in letters and figures at least 1½ inches high adjacent to the hazardous material stencil.

(c) The water capacity, in pounds net at 60°F., with the tank at its coldest operating temperature, after deduction for the volume above the inlet to the pressure relief device or pressure control valve, structural members, baffles, piping, and other appurtenances inside the tank, in letters and figures at least 1½ inches high.

(d) Both sides of the tank car, in letters at least 1½ inches high, with the statement "Do Not Hump or Cut Off While in Motion."

(e) The outer jacket, below the tank classification stencil, in letters at least 1½ inches high, with the statement, "vacuum jacketed."

§ 179.400-26 Certificate of construction.

See § 179.5.

52. Section 179.401 is revised and § 179.401-1 is added to read as follows:

§ 179.401 Individual specification requirements applicable to inner tanks for cryogenic liquid tank car tanks.

§ 179.401-1 Individual specification requirements.

In addition to § 179.400, the individual specification requirements for the inner tank and its appurtenances are as follows:

DOT specification	113A60W	113C120W
Design service temperature, °F.	−423	−260.
Material	§ 179.400-5	§ 179.400-5.
Impact test (weld and plate material).	§ 179.400-5(c)	§ 179.400-5(c).
Impact test values	§ 179.400-5(d)	§ 179.400-5(d).
Standard heat transfer rate. (Btu per day per lb. of water capacity, max.) (see § 179.400-4).	0.097	0.4121.
Bursting pressure, min. psi.	240	300.
Minimum plate thickness shell, inches (see § 179.400-7(a)).	5/16	5/16.
Minimum head thickness, inches (see § 179.400-7 (a), (b), and (c)).	5/16	5/16.
Test pressure, psi (see § 179.400-16).	60	120.
Safety vent bursting pressure, max. psi.	60	120.
Pressure relief valve start-to-discharge pressure, psi (± 3 psi).	30	75.
Pressure relief valve vapor tight pressure, min. psi.	24	60.
Pressure relief valve flow rating pressure, max. psi.	40	85.
Alternate pressure relief valve start to-discharge pressure, psi (± 3 psi).		90.
Alternate pressure relief valve vapor tight pressure, min. psi.		72.
Alternate pressure relief valve rating pressure, max. psi.		100.
Pressure control valve, psi.	17	Not required.
Start-to-vent, max. psi (see § 179.400-18(c)(4) Relief device discharge restrictions.	§ 179.400-18	§ 179.400-18.
Transfer line insulation	§ 179.400-15	Not required.

53. Paperwork Reduction Act: Information collection requirements contained in the following sections of this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Following the text of each section listed below, add parenthetically the specified OMB control number.

Section	*OMB Control No.*
173.11	2137-0541
177.816	2137-0540
177.818	2137-0539
177.826	2137-0541
177.840	2137-0542
178.338-2	2137-0017
178.338-4	2137-0017
178.338-19	2137-0017

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A. to Part 1)

Note.—The Materials Transportation Bureau has determined that this document 1) will not result in a "major rule" under the terms of Executive Order 12291, 2) is not a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), and 3) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*). Based on comments received in response to the NPRM, I certify that this amendment will not have a significant economic impact on a substantial number of small entities. A regulatory evaluation and environmental assessment is available for review in the docket. Approval of reporting and recordkeeping requirements under the Paperwork Reduction Act of 1980 has been issued by the Office of Management and Budget.

Issued in Washington, D.C. on June 2, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-15211 Filed 6-15-83; 8:45 am]

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Reader Aids

Federal Register

Vol. 48, No. 117

Thursday, June 16, 1983

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
	523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
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Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-4534
Privacy Act	523-4534
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282
	523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
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United States Government Manual	523-5230

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FEDERAL REGISTER PAGES AND DATES, JUNE

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

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

Last Listing June 9, 1983

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (phone 202-275-3030).

H.J. Res. 201 / Pub. L. 98-39 Designating June 14, 1983, as "Baltic Freedom Day". (June 13, 1983; 97 Stat. 208) Price: $1.50