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Federal Register

Wednesday
June 22, 1983

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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

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Presidential Documents

Title 3—

The President

Proclamation 5070 of June 20, 1983

National Children's Liver Disease Awareness Week, 1983

By the President of the United States of America

A Proclamation

Liver disorders affect thousands of American children from infancy to adolescence. More than 100 different types of liver diseases, which attack these young people, have been identified. These diseases can be inherited or acquired from infection, poisons, injury, or such diseases as cystic fibrosis, anemia, leukemia, kidney or intestinal disease and glandular disorders. Infants can be born with a damaged liver or with biliary atresia, a disease characterized by abnormally-formed bile ducts. Some disorders can result in cirrhosis of the liver. Other causes of fatal or chronic liver disease include hepatitis, Reye's syndrome, Wilson's disease, galactosemia, and glycogen storage disease.

Research on liver diseases is continuing in order to increase our understanding of the underlying causes of these disorders, find preventive measures, develop better means of early detection, and improve our current methods of treatment.

The Congress of the United States, by House Joint Resolution 234, has designated the week beginning June 19, 1983 as "National Children's Liver Disease Awareness Week" and has authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning June 19, 1983 as National Children's Liver Disease Awareness Week. I urge the people of the United States, and educational, philanthropic, scientific, medical and health care organizations and professionals to support appropriate efforts to discover the causes and cures of all types of liver disorders in children and to alleviate the suffering of victims of these disorders.

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

Ronald Reagan

[FR Doc. 83-17011
Filed 6-21-83; 10:25 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 83-306]

Pink Bollworm Regulated Areas; Removal of Louisiana and Arkansas Counties From List

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: This document amends the pink bollworm quarantine and regulations. It removes Natchitoches Parish from the list of regulated areas in Louisiana. It also removes all previously regulated areas in Clark, Dallas, Jefferson, Lafayette, Lonoke, Miller, Ouachita, and Pulaski Counties in Arkansas from the list of regulated areas and removes Arkansas from the list of States quarantined because of pink bollworm. This action is taken because it has been determined that pink bollworm no longer occurs in Natchitoches Parish in Louisiana and no longer occurs in Arkansas. This action is necessary in order to remove unnecessary restrictions on articles moving interstate from these areas.

DATES: Effective date of this interim rule June 22, 1983. Written comments concerning this interim rule must be received on or before August 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Richard L. Cowden, Staff Officer, Field Operations Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 663, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8295.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum 1512-1, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this interim rule will have an estimated annual effect on the economy of less than $9,000; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and will not cause significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without prior opportunity for a public comment period on this interim rule. Due to the finding that unnecessary restrictions would otherwise be imposed concerning the regulation of articles, a situation exists requiring immediate action to delete such unnecessary restrictions.

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

For this rulemaking action, the Office of Management and Budget has waived the review process required by Executive Order 12291. Also, the Assistant Secretary for Marketing and Inspection Services has waived the requirements of Secretary's Memorandum 1512-1.

Certification Under the Regulatory Flexibility Act

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action involves removing restrictions on the interstate movement of regulated articles from Natchitoches Parish in Louisiana and Clark, Dallas, Jefferson, Lafayette, Lonoke, Miller, Ouachita, and Pulaski Counties in Arkansas. There are hundreds of small entities that move such articles interstate from nonaffected areas in the United States. However, based on information compiled by the Department, it has been determined that fewer than 19 small entities move such articles interstate from the affected areas in the above listed parish and counties. Further, the overall economic impact from this action is estimated to be less than $9,000.

Background

The pink bollworm *Pectinophora gossypiella* (Saunders) is one of the most destructive and widespread insect pests of cotton in the world. This insect spread to the United States from Mexico in 1917 and now occurs throughout most of the cotton-producing States west of the Mississippi River.

Prior to the effective date of this document the pink bollworm quarantine and regulations (7 CFR 301.52 through 301.52-10) quarantined the States of Arizona, Arkansas, California, Louisiana, New Mexico, Nevada, Oklahoma, and Texas because of the pink bollworm. The quarantine and regulations restrict the interstate movement of regulated articles from regulated areas in quarantined States in order to prevent the artificial spread of the pink bollworm.

Under the pink bollworm quarantine and regulations, an area must be designated as a regulated area if it is an

area in which the pink bollworm has been found, or in which there is reason to believe that the pink bollworm is present, or which it is deemed necessary to regulate because of its proximity to infestation or its inseparability for quarantine enforcement purposes from infested localities. Regulated areas are classified as either suppressive areas or generally infested areas. Suppressive areas are regulated areas in which eradication of the pink bollworm is undertaken as an objective. Generally infested areas are all regulated areas not designated as suppressive areas. Restrictions are imposed on the interstate movement of regulated articles from both generally infested areas and suppressive areas in order to prevent the artificial movement of the pink bollworm into noninfested areas, and to prevent the reinfestation of suppressive areas the pink bollworm has been eradicated.

Surveys conducted by inspectors of the U.S. Department of Agriculture and officials of State agencies of Arkansas and Louisiana have established that the pink bollworm no longer occurs in any previously regulated areas in the following parish and counties: Natchitoches Parish in Louisiana and Clark, Dallas, Jefferson, Lafayette, Lonoke, Miller, Ouachita, and Pulaski Counties in Arkansas (all of these areas in Louisiana and Arkansas were also designated as suppressive areas). Therefore, there is no basis to continue listing any areas in Natchitoches Parish in Louisiana or Clark, Dallas, Jefferson, Lafayette, Lonoke, Miller, Ouachita, and Pulaski Counties in Arkansas as regulated areas. Therefore, it is necessary as an emergency measure to remove these previously regulated areas from the list of regulated areas in order to remove unnecessary restrictions on the interstate movement of regulated articles from these areas.

With this amendment there are no longer any areas remaining in Arkansas which are designated as regulated areas since it appears that pink bollworm no longer occurs in Arkansas. Therefore, this amendment also deletes the State of Arkansas from the list of States quarantined because of pink bollworm.

List of Subjects in 7 CFR Part 301

Agriculture commodities, Plant pests, Quarantine, Transportation, Pink bollworm.

PART 301—[AMENDED]

Under the circumstances referred to above, the Pink Bollworm Quarantine and Regulations (7 CFR 301.52 through 301.52–10) are amended as follows:

§ 301.52 [Amended]

1. In § 301.52(a) the reference to "Arkansas" is removed.

2. In § 301.52–2a, the reference to Arkansas and all of the material for Arkansas thereunder are removed.

3. The list of regulated areas for Louisiana in § 301.52–2a is revised to read as follows:

§ 301.52–a Regulated areas; suppressive and generally infested areas.

* * * * *

Louisiana

(1) *Generally infested area.* None.
(2) *Suppressive area.*
Bossier Parish. The entire parish.
Caddo Parish. The entire parish.

* * * * *

Authority: Sec. 106, 71 Stat. 33; 7 U.S.C. 150ee; Secs. 8, 9, 37 Stat. 318; 7 U.S.C. 161, 162; 7 CFR 2.17, 2.51, 371.2(c)

Done at Washington, D.C., this 17th day of June 1983.

William F. Helms,

Acting Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 83-16663 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 415, Amdt. 2]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action further increases the quantity of California-Arizona lemons that may be shipped to the fresh market during the period June 12–18, 1983. Such action is needed to provide for orderly marketing of fresh lemons for the period due to the marketing situation confronting the lemon industry.

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

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

This final rule is issued under Marketing Order No. 910, as amended (7 CFR Part 910; 47 FR 50196), regulating the handling of lemons grown in California and Arizona. The order is 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 Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the Act.

This action is consistent with the marketing policy for 1982–83. The marketing policy was recommended by the committee following discussion at a public meeting on July 6, 1982. The committee met by telephone on June 16, 1983, to consider the current and prospective conditions of supply and demand and recommended a further increase in the quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues very active.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the Act. Interested persons were given an opportunity to present information and views on the amendment during the telephone meeting, and it relieves restrictions on the handling of lemons. It is necessary to effectuate the declared purposes of the Act to make these regulatory provisons effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

1. Section 910.715 Lemon Regulation 415 (48 FR 26757) is revised to read as follows:

§ 910.715 Lemon Regulation 415.

The quantity of lemons grown in California and Arizona which may be handled during the period June 12, 1983, through June 18, 1983, is established at 370,000 cartons.

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

Dated: June 17, 1983.

D. S. Kuryloski,

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

[FR Doc. 83-16801 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1464

Tobacco Loan Program

AGENCY: Commodity Credit Corporation.

ACTION: Final rule.

SUMMARY: The provisions of the interim rule, relating to the Tobacco Loan Program, published on October 8, 1982 (47 FR 44541) amending 7 CFR Part 1464, are adopted as a final rule with one modification. The provision relating to ineligibility for price support based upon a determination that nested tobacco has been delivered for price support has been amended to provide that such ineligibility will not be applied retroactively during a marketing year.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: C. Russell Levering, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, Washington, D. C. 20013. Telephone (202) 447–3518. A Final Regulatory Impact Analysis is available upon request from Mr. Levering.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified as "not major". The provisions of this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State or local governments, or a geographical region; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program to which this rule applies as set forth in the Catalog of Federal Domestic Assistance are: Title: Commodity Loan and Purchases, Number: 10.051.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Commodity Credit Corporation (CCC) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

On October 8, 1982, an interim rule was published in the **Federal Register** (47 FR 44541) amending the regulations at 7 CFR 1464.2 to provide that a producer of tobacco was required to certify that all of the tobacco which such producer delivers for price support will not have been nested. It was further provided that, if CCC determined a producer knowingly nested tobacco delivered for price support, such producer would be ineligible to receive price support with respect to any tobacco during the marketing year in which the false certification occurred. In addition, the requirement in 7 CFR 1462.2 with respect to the specific method to be used to secure the identification tag to each bale of burley tobacco was deleted. The public was invited to submit written comments on the interim rule by December 7, 1982.

Nested tobacco is defined in regulations issued by the Agricultural Marketing Service (7 CFR 29.3039) as follows:

"Any lot of tobacco which has been loaded, packed or arranged to conceal foreign matter or tobacco of inferior grade, quality, of condition." Nested includes:

(a) Any lot of tobacco which contains foreign matter, is damaged, injured or tangled, or contains other inferior tobacco, any of which cannot be readily detected upon inspection because of the way the lot is packed or arranged:

(b) Any lot of tobacco which consists of distinctly different grades, qualities or conditions and which is stacked or arranged with the same kinds together so that the tobacco in the lower portions of the lot is distinctly inferior in grade, quality or condition from the tobacco in the top portion of the lot."

The nesting of tobacco proves costly to persons acquiring the tobacco since the quality of the tobacco is not as good as the quality used in establishing its value. Knowingly nesting tobacco to be offered for inspection is a misdemeanor punishable by fine of not more than $1,000 or imprisonment of not more than a year, or both (7 U.S.C. 511k).

Eleven comments were received regarding the provisions with respect to the nesting of tobacco. Eight of these comments were from buying companies or associations of buying companies, all of whom were generally in support of the amendment to the regulation. However, these comments expressed a concern that the regulations provided no protection with respect to nested tobacco acquired by buying companies. The purpose of the regulation is to protect the CCC with respect to collateral which is pledged for price support for price support loans and there is no authority to make the regulation applicable to other tobacco.

The other three comments were from a producer association, a State Farm Bureau and a State Department of Agriculture. The association favored the amendment to the regulation, but the other two maintained that denial of price support for the entire marketing year was too severe and would be difficult to administer. It was pointed out that nested tobacco may not be discovered until a considerable period of time has elapsed after it has been delivered for price support. In order to require the refund of amounts previously received by a producer for tobacco delivered for price support, it would be necessary for the tobacco association to which it had been delivered to retrieve the tobacco, which by that time might not be identifiable. Because of the difficulties involved in applying the provision with respect to ineligibility for price support retroactively, it has been determined that the interim rule should be amended to provide that, if it is determined a producer has knowingly delivered nested tobacco for price support, the producer shall be ineligible to receive price support for such and for any other tobacco delivered for price support from the date of determination through the remainder of the marketing year.

No comments were received regarding the provision of the interim rule which deleted the requirement with respect to the specific method to be used to secure the identification tag to each bale of burley tobacco. This provision of the interim rule is adopted without change.

List of Subjects in 7 CFR Part 1464

Price support program, Tobacco.

PART 1464—[AMENDED]

Accordingly, the interim rule published at 47 FR 44541 which amended the regulations at 7 CFR Part 1464 is hereby adopted as a final rule, except that § 1464.7(e)(1) is revised to read as follows:

§ 1464.7 Eligible producers.

* * * * *

(e)(1) Except with respect to the 1982 crop of flue-cured tobacco, the producer has certified in writing that any tobacco which the producer delivers for price support will not have been nested as defined in 7 CFR Part 29. If, after notice and opportunity for an administrative hearing in accordance with 7 CFR Part 780, CCC determines that a producer

knowingly delivered nested tobacco for the purpose of receiving price support, such producer shall (i) be ineligible to receive price support for the particular lot found to be nested, and for any other tobacco from the date of such determination through the remainder of the marketing year and (ii) refund to CCC any price support advance received with respect to such tobacco.

(Secs. 4, 5, 62 Stat. 1070, as amended, 1072 as amended, 15 U.S.C. 714b, 714c, secs. 101, 106, 401, 403, 63 Stat. 1051, as amended, 74 Stat. 6, as amended, 63 Stat. 1054, as amended, 7 U.S.C. 1441, 1445, 1421, 1423)

Signed at Washington, D.C. June 15, 1983.

Everett Rank,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 83-16520 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 83-015]

Reservation Fees for Quarantine of Animals and Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations concerning the quarantine of animals and birds imported into the United States. This action increases the present reservation fee for space for each lot of poultry or birds intended to be entered into a quarantine facility maintained by Veterinary Services; and, in addition, requires a reservation fee for space for other animals intended to be entered into a quarantine facility maintained by Veterinary Services. This action is necessary to more fully utilize the space at quarantine facilities maintained by Veterinary Services and to reduce losses incurred as a result of the failure to utilize space which has been reserved. The effect of this action is to more fully utilize quarantine facilities maintained by Veterinary Services and shift some of the costs incurred for the underutilization of the facilities to importers who reserve space at such quarantine facilities and fail to use the space reserved.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. M. R. Crane, VS, APHIS, USDA, Room 846, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:

Background

In a document published in the Federal Register on July 27, 1982 (47 FR 32431-32433), the Department proposed an amendment to § 92.4 of the regulations in Title 9 CFR concerning the importation of certain animals and poultry (1) to increase the reservation fee from $40 to $80 for a lot of poultry or birds which is to be quarantined in a quarantine facility maintained by Veterinary Services; (2) to require a reservation fee for quarantine space for other animals; (3) to provide for forfeiture of the fee for unused space; and (4) to provide that the fee for reserved space shall be applied against the expenses incurred for services received when the reserved space is utilized.

The document of July 27, 1982, invited the submission of written comments on or before September 27, 1982. Five comments were received. These comments were from representatives of an international animal health consulting firm, a wild animal importing firm, a horse association, a bird importer, and a broker representing importers of horses. All of these comments have been carefully considered and are discussed below. Except as otherwise explained below, the provisions in the proposal have been adopted in the final rule as proposed.

One commenter favored the reservation fee proposal, but asserted that the proposed deposit of $240 for a group of zoo animals might be insufficient to assure that reserved space would be used. This comment apparently referred to zoological ruminants, zebras, and other wild equidae. No changes are made based on this comment. The Department has had few problems with reserved space not being used for these types of zoo animals and it appears that it is not necessary to require a larger deposit for such groups of zoo animals in order to be assured that reserved space would be used.

Another commenter objected to the increase in the reservation fee from $40 to $80 for each lot of birds and poultry, contending that the new fee would pose an undue economic hardship. No changes are made based on this comment. The Department has chosen to impose a reservation fee covering the average fee for the space necessary to quarantine one bird, regardless of the number of birds for which space is reserved. The Department does not agree that a $40 increase in the reservation fee, which is applied against expenses incurred in connection with the quarantine of the birds or poultry, creates an undue economic hardship on the importer.

One commenter expressed opposition to the reservation fee for horses, based on his opinion that the primary problem with quarantine reservations is with cattle and birds and that the rule would unfairly penalize horse importers. It was asserted that any horse failing to use space as requested was a horse that either through illness or cancellation of airline flights, was impossible to be shipped. It was suggested that, rather than a reservation fee, the Department should require payment for unused space from any importer who causes three unused bookings within a six month period. Another commenter asserted that rather than imposing a fee of $130 per horse, the reservation fee should be limited to $260, the cost of space for two horses, regardless of the number of horses in a shipment. No changes are made based on these comments.

The Department does not agree with the assertion that the rule would unfairly penalize horse importers. The statement in the "Background" portion of the proposal of July 27, 1982, that "[a]pproximately 5 percent of the quarantine space which is reserved for horses is not utilized by those reserving the space" was in error. Departmental records indicate that for approximately 25 percent of the horse shipments at the New York Animal Import Center during 1982, reservations had been made for more spaces than were actually used. Also, during the first seven months of 1982 at the Miami Animal Import Center, about 40 percent of the space for which reservations had been made for horses was not used. This illustrates the problems giving rise to the proposal—inefficient use of quarantine facilities, loss of revenue to Veterinary Services, and lost opportunity to importers interested in the quarantine space. Under these circumstances, it appears that it is necessary to require reservation fees for all horses.

One commenter also suggested that a provision be added to the rule stating that the reservation fee shall not be forfeited by the importer if the failure to present the horse is due to disruption of normal airline operations or other unforeseen events beyond the control of the importer which delay or cancel the shipment. It was further suggested that provision be made for canceling the reservation, within specified limits, without forfeiture of the reservation fee. The Department ackowledges that an importer of any animal may, in good faith, reserve quarantine space and, due to circumstances beyond the importer's

control, not be able to use the space on the reserved date. Nevertheless, for the Department to assume blanket responsibility for all delays and cancellations, without requiring any notice, would not address the problems giving rise to the proposal—inefficient use of quarantine facilities, loss of revenue to Veterinary Services and lost opportunity to importers interested in the quarantine space. However, it appears that if Veterinary Services were given at least 72 hours notice prior to the beginning of the time for importation as prescribed in the permit, there would be adequate time for another importer who may be interested in utilizing the space to arrange for shipment of animals. Therefore, the final rule provides in § 92.4(a)(4)(vi) that if the importer or the importer's agent cancels the reservation by notifying the veterinarian in charge of the quarantine facility at least 72 hours prior to the beginning of the time for importation as prescribed in the permit for the animals or birds for which the reservation fee was paid, the reservation fee shall be returned to the individual who paid the reservation fee.

One commenter asserted that the requirement for payment of the reservation fee by certified check or U.S. money order could create an undue hardship for responsible importers. It was suggested that provision be made for importers who establish credit with the Department to use personal or business checks for the payment of fees. It appears that there is a basis for a provision allowing the use of personal and business checks. The final rule, therefore provides for payment by such check, or U.S. money order by any importer or importer's agent, except that anyone who issues a check to the Department for a reservation fee which is dishonored, shall be denied any further request for reservation of quarantine space until the outstanding amount is paid. The provisions in the proposed regulations were designed to ensure that Veterinary Services is paid for quarantine services. It appears that this purpose would be substantially accomplished if importers or their agents are allowed to pay by such checks under these conditions.

It was further suggested that the comment period be extended and that a public meeting be held to discuss the proposed rule. It does not appear that an extension of the comment period or a public meeting would provide additional information that would be essential for this rulemaking proceeding. Should any situation arise concerning fees for reservation of space at quarantine facilities that would indicate that consideration should be given for making additional changes in the regulations, a separate rulemaking proceeding would be considered.

Present § 92.2(c)(3)(ii) provides, among other things, that in certain specified situations, pet birds may be transported from one port of entry to another port of entry designated as a port for the importation of animals, if, among other things, a $40 reservation fee is paid by the importer.

This document provides in § 92.4(a)(4)(ii) for a reservation fee for each lot of poultry or birds of $80 and further provides that the importer or the importer's agent shall pay such fee when a request is made to reserve quarantine space. Therefore, this document amends § 92.2(c)(3)(ii) to conform that section to the requirement set forth in § 92.4(a)(4)(ii).

Also, nonsubstantive changes are made in order to clarify and simplify the regulations.

The requirement that an importer or importer's agent pay a reservation fee pursuant to this document at the time the importer or importer's agent requests reservation of quarantine space at a quarantine facility maintained by Veterinary Services is applicable only to requests for reservation of space made on or after the effective date of this document. Requests for reservation of space made prior to the effective date of this document are not required to be supported by a reservation fee pursuant to this document even in situations in which the reservation is for a time to begin on or after the effective date of this document.

Executive Order 12291 and Regulatory Flexibility Act

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

This action will increase the present reservation fee required to be paid by an importer or the importer's agent for space for each lot of poultry or birds intended to be entered into a quarantine facility maintained by Veterinary Services and will impose a reservation fee for space for other animals intended to be entered into a quarantine facility maintained by Veterinary Services. The fee paid for such space will be applied against the expenses incurred for services received by the importer and the importer's agent in connection with the quarantine for which the fee to reserve space was paid. Therefore, the only cost which the importer or the importer's agent who actually uses the space reserved will incur is an opportunity cost on the prepayment of the reservation fee. Opportunity cost is defined as being the potential earnings foregone by selecting a particular course of action. In this case, the importer or the importer's agent could have invested the amount of the fee. However, in most instances, this opportunity cost is negligible.

An importer or the importer's agent would only incur more than an opportunity cost when the importer failed to present for entry or timely cancel the reservation for the animals for which the fee to reserve space was paid, at which time the reservation fee would be forfeited.

Alternatives Considered

1. Not to amend the regulations. Prior to the effective date of this document, quarantine space at quarantine facilities maintained by Veterinary Services was allowed to be reserved for a lot of poultry or birds at a cost of only $40 and for other animals at no cost. The minimal reservation fee in the case of poultry and birds and the lack of a reservation fee in the case of other animals resulted in the Department, and ultimately the taxpayer, bearing the cost of quarantine space which is reserved but not utilized.

Space which is reserved at a quarantine facility maintained by Veterinary Services and not used, causes Veterinary Services to misallocate personnel and materials. In addition, if the entire capacity of a quarantine facility is reserved, other importers who wish to use the facility may not be able to utilize the facility even though some of the reserved space is not utilized.

This alternative is not adopted because the problems discussed above would remain unresolved.

2. To amend the present regulations to

increase the reservation fee for a lot of poultry or birds to $80; to require a reservation fee for quarantine space for other animals and forfeiture of the fee for unused space; and to provide that the fee for reserved space shall be applied against the expenses incurred for services received when the reserved space is utilized.

This alternative is adopted because it will reduce costs to Veterinary Services, and ultimately the taxpayer, for quarantine space which is reserved at quarantine facilities maintained by Veterinary Services but which is not utilized. In addition, this alternative should result in more fully utilized quarantine facilities because importers or importer's agents are less likely to reserve space, and thereby potentially prevent others from using the reserved space, unless they are certain that they will utilize the space reserved. Further, alternative number 2 will not increase costs to importers who reserve space at quarantine facilities maintained by Veterinary Services and subsequently use the reserved space or timely cancel the reservation. This is because if cancelled within 72 hours prior to the time for importation, a refund will be given. Also, if animals or birds are imported, the fee will be applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the fee to reserve space was paid.

Mr. Bert W. Hawkins, Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that this action will not have a significant economic impact on a substantial number of small entities.

Effective Date

It is necessary to make this rule effective as soon as possible in order to help assure the use of quarantine facilities that might otherwise go unused, and to help reduce the loss of revenue for services performed by Veterinary Services. Therefore, in accordance with the administrative procedure provisions in 5 U.S.C. 553, good cause is found for making this action effective less than 30 days after publication in the **Federal Register.**

List of Subjects in 9 CFR Part 92

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

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

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

§ 92.2 [Amended]

1. In § 92.2, paragraph (c)(3)(ii) is amended by removing "$40" and "by the importer" in the phrase "the $40 reservation fee is paid by the importer."

2. In § 92.4, the heading and paragraph (a)(4) are revised to read as follows:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds and for animal specimens for diagnostic purposes; [5] and reservation fees for space at quarantine facilities maintained by Veterinary Services.

(a) * * *

(4)(i) For each lot of animals, except poultry, birds, and horses, which is to be quarantined in a quarantine facility maintained by Veterinary Services, the importer or the importer's agent shall pay a reservation fee of $240 at the time the importer or the importer's agent requests reservation of quarantine space.

(ii) For each lot of poultry or birds which is to be quarantined in a quarantine facility maintained by Veterinary Services, the importer or the importer's agent shall pay a reservation fee of $80 at the time the importer or the importer's agent requests reservation of quarantine space.

(iii) For each horse which is to be quarantined in a quarantine facility maintained by Veterinary Services, the importer or the importer's agent shall pay a reservation fee of $130 at the time the importer or the importer's agent requests reservation of quarantine space.

(iv) Any importer or importer's agent shall pay the reservation fee by check or U.S. money order; except that anyone who issues a check to the Department for a reservation fee which is dishonored shall be denied any further request for reservation of quarantine space until the outstanding amount is paid.

(v) Any reservation fee shall be applied against the expenses incurred for services received by the importer or importer's agent in connection with the quarantine for which the reservation fee was paid. Any part of the reservation fee which remains unused after being applied against the expenses incurred for services received by the importer or the importer's agent in connection with the quarantine for which the reservation fee was paid, shall be returned to the individual who paid the reservation fee.

(vi) Any reservation fee shall be forfeited if the importer or the importer's agent fails to present for entry the lot of animals, the lot of poultry or birds or the horse for which the reservation fee was paid; except that if the importer or the importer's agent cancels the reservation by notifying the veterinarian in charge of the quarantine facility at least 72 hours prior to the beginning of the time for importation as prescribed in the permit for the animals or birds, for which the reservation fee was paid, the reservation fee shall be returned to the individual who paid the reservation fee.

Authority: Sec. 7, 26 Stat. 416, sec. 2, 32 Stat. 792, as amended, secs. 4, 11, 76 Stat. 130, 132; 21 U.S.C. 102, 111, 134c, 134f; 7 CFR 2.17, 2.51 and 371.2(d).

Done at Washington, D.C., this 17th day of June 1983.

Saul T. Wilson, Jr.,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-16812 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-34-M

[5] For other permit requirements for birds, the regulations issued by the U.S. Department of the Interior (Part 17, Title 50, Code of Federal Regulations) and the regulations issued by the U.S. Department of Health and Human Services (Subpart J-1 of Part 71, Title 43, Code of Federal Regulations) should be consulted.

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9 CFR Part 113

[Docket No. 83-014]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Detection of Viable Bacteria and Fungi in Live Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This rulemaking revises the standard requirements for detection of extraneous viable bacteria and fungi in live vaccines by adding uniform tests for live bacterial vaccine serials and for Master Seed Bacteria. Presently, purity tests for live bacterial vaccines are specified in Outlines of Production filed by licensees with Veterinary Services (VS) for these products. These tests are generally similar to each other, but not identical and may not be equally sensitive in detecting contamination. This revision makes available a set of

uniform tests for all live bacterial and live viral vaccines and their Master Seeds. Changes in language have been made for clarification purposes.

EFFECTIVE DATE: This amendment becomes effective June 16, 1983.

FOR FURTHER INFORMATION CONTACT: Dr. Peter L. Joseph, Chief Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 836, Federal Building, 6505 Belcrest Road Hyattsville, MD 20782, 301–436–7760.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

This final rule contains no new or amended recordkeeping, reporting, or application requirement or any type of information collection requirement subject to the Paperwork Reduction Act of 1980.

Executive Order 12291

This final rule has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "Non-major Rule."

This amendment is applicable to producers of live bacterial vaccines. Some of the 12 licensed establishments producing these products and the National Veterinary Services Laboratories (NVSL) have been using the proposed standard bacterial vaccine purity test for over a year and have found it satisfactory. Neither NVSL or industry have found that the change in testing procedure has produced a higher serial rejection rate. Production outline purity tests for products produced by most establishments are generally similar to each other as well as to this test. Therefore, the entire industry should be able to adopt one test with no significant change in testing costs or in the bacterial vaccine serial rejection rate. Therefore, no change is expected in production costs or consumer prices resulting from destroying unsatisfactory serials of product.

Certification Under the Regulatory Flexibility Act

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

Twelve licensed establishments produce 1 or more of 13 live bacterial vaccines licensed by the USDA totaling 26 products. Two of these establishments are considered small entities; i.e., businesses which are independently owned and operated and which are not dominant in the field of veterinary biologics manufacturing. This bacterial vaccine purity test does not differ greatly from tests presently set forth in the licensed firms' Outlines of Production and will not significantly affect their production costs.

Background

The present purity standard requirements in 9 CFR 113.27 detail the specific tests used for serials of live viral vaccines and their Master Seed Viruses, but for serials of live bacterial vaccines the regulations only specify testing with "appropriate media." Nothing is stated regarding testing Master Seed Bacteria. The required purity tests for live bacterial vaccines, which were developed by the licensees, are specified in their Outlines of Production for each product. There are several of these tests and they may not be equally effective in detecting extraneous bacteria and fungi.

One alternative to the proposed action which was considered was the revision of the live virus vaccine purity standard requirements which would specify a test for bacterial vaccines and make serial standards for both live bacterial and live viral vaccines more stringent than the current live virus standards. An industry survey of 18 firms evaluated their serial purity test results for viral and bacterial vaccines by the more stringent standards. The serials reviewed were produced during the past 2½ to 5 years. the results showed that a very significant number of these serials would have been adversely affected by the higher standards. Of 6,097 serials (9.3 billion doses) surveyed, 395 serials (1.1 billion doses) would have been unsatisfactory by the more stringent standard under consideration. The great majority of these serials would have had to have been destroyed. Thirteen of the eighteen firms surveyed reported a potential annual loss of nearly $3.5 million. It is assumed that several times this projected dose/dollar loss of live viral and live bacterial products would be incurred by the entire licensed industry of 49 establishments.

Another alternative action considered was revision of the live vaccine purity standard requirement to specify a test for bacterial vaccines and establish the standards for all live vaccines at the same level as currently specified for live viral vaccines. Industry data showed a very low level of purity related problems in vaccinated animals with products produced under current viral standards. Data showed that of 395 serials released with growth in 1/10 or 1/20 test vessels as current viral product regulations permit, not one serial was involved in a field problem associated with extraneous organisms. The more stringent standard considered in the first alternative would have permitted no growth in any test vessel. The present test for virus vaccines has a slightly higher probability of accepting three or more contaminating organisms per ml of product than the more stringent standard considered. The lower probability of contamination associated with the more stringent standard considered is relatively insignificant. Therefore, it would be difficult to justify the more stringent standard of purity on a statistical basis. From an analysis of industry data and a comparison of the two alternatives, it appears that current methods specified in the Standard Requirements for virus vaccines are adequate to assure sufficient purity of the vaccines to avoid harm to the consumer. Therefore, the Department has decided to adopt provisions of the second alternative and to add Standard Requirements for live bacterial vaccines which are very similar to those requirements currently used with live virus vaccines. The bacterial vaccine purity test will not significantly change the current serial rejection rate and thus will not change the production costs.

Comments Received

On August 12, 1982, a notice of proposed rulemaking was published in the **Federal Register** at 47 FR 34995 discussing this revision and soliciting comments. Noting that typographical errors occurred in Section 113.27(b)(5) and 113.27(d)(i), corrections were published in the **Federal Register** at 47 FR 42366.

Responses were received from one professional organization and five licensed biologic producers. All except one biologic producer favored the proposed rulemaking as written with published corrections.

One licensed manufacturer suggested that the use of Gram Stain and/or subculture onto Tryptic Soy Agar be specified in §§ 113.27(b)(6) and 113.27(d)(3). The section is written so that if growth of extraneous organisms cannot be reliably determined by visual examination, methods acceptable to VS can be used. These could include the use of Gram Stain and/or subculture onto Tryptic Soy Agar, as well as other acceptable methods. Therefore, it is unnecessary to specify and particular test methods.

When standard requirements have been developed by VS through experience with a number of firms' products as specified in Outlines of Production and/or through the

development of scientific knowledge at NVSL or elsewhere, such requirements are codified in the regulations. Codification assures uniformity and general applicability of the requirements to all licenses. Presently, the purity test requirements for live bacterial vaccines are in the firms' Outlines of Production filed with VS for these products in accordance with 9 CFR 114.8. This revision makes uniform requirements available to the general public and applicable to all licensees. Language changes are also made to clarify this section.

After due consideration of all relevant matters, including the proposal set forth in the above notice and under authority in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendment of Part 113, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as published in the above notice, is hereby adopted as follows:

List of Subjects in 9 CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

Section 113.27 is revised to read:

§ 113.27 Detection of extraneous viable bacteria and fungi in live vaccines.

Unless otherwise specified by the Deputy Administrator or elsewhere exempted in this part, each serial and subserial of live vaccine and each lot of Master Seed Virus and Master Seed Bacteria shall be tested for extraneous viable bacteria and fungi as prescribed in this section. A Master Seed found unsatisfactory shall not be used in vaccine production and a serial found unsatisfactory shall not be released.

(a) *Live viral vaccines.* Each serial and subserial of live viral vaccine shall be tested for purity as prescribed in this paragraph. However, products of chicken embryo origin recommended for administration other than by parenteral injection may be tested as provided in paragraph (e) of this section.

(1) Soybean Casein Digest Medium shall be used.

(2) Ten final container samples from each serial and subserial shall be tested.

(3) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and desiccated vaccine shall be rehydrated as recommended on the label with accompanying diluent or with sterile purified water.

(4) To test for bacteria, place 0.2 ml of vaccine from each final container into a corresponding individual vessel containing at least 120 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination required in § 113.25(d) indicates the need for a greater dilution of the product. Incubation shall be at 30° to 35° C for 14 days.

(5) To test for fungi, place 0.2 ml of vaccine from each final container sample into a corresponding individual vessel containing at least 40 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination required in § 113.25(d) indicates the need for a greater dilution of the product. Incubation shall be at 20° to 25° C for 14 days.

(6) Examine the contents of all test vessels macroscopically for microbial growth at the end of the incubation period. If growth in a vessel cannot be reliably determined by visual examination, judgment shall be confirmed by subcultures, microscopic examination, or both.

(7) For each set of test vessels representing a serial or subserial tested according to these procedures, the following rules shall apply:

(i) If growth is found in 2 or 3 test vessels of the initial test, 1 retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(ii) If no growth is found in 9 or 10 of the test vessels in the initial test, or 19 or 20 vessels in the retest, the serial or subserial meets the requirements of the test.

(iii) If growth is found in four or more test vessels in the initial test, or two or more in a retest, the serial or subserial is unsatisfactory.

(b) *Live bacterial vaccines.* Each serial or subserial of live bacterial vaccine shall be tested for purity as prescribed in this paragraph.

(1) Soybean Casein Digest Medium and Fluid Thioglycollate Medium shall be used.

(2) Ten final container samples from each serial and subserial shall be tested.

(3) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and desiccated vaccine shall be rehydrated as recommended on the label with accompanying diluent or with sterile purified water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile purified water per 1,000 doses.

(4) To test for extraneous bacteria, place 0.2 ml of vaccine from each final container into a corresponding individual vessel containing at least 40 ml of Fluid Thioglycollate Medium. Additional medium shall be used if the determination require in § 113.25(d) indicates the need for a greater dilution of the product. Incubation shall be at 30° to 35° C for 14 days.

(5) To test for extraneous fungi, place 0.2 ml of vaccine from each final container into a corresponding individual vessel containing at least 40 ml of Soybean Casein Digest Medium. Additional medium shall be used if the determination required in § 113.25(d) indicates the need for a greater dilution of the product. Incubation shall be at 20° to 25° C for 14 days.

(6) Examine the contents of all test vessels macroscopically for atypical microbial growth at the end of the incubation period. If growth of extraneous microorganisms cannot be reliably determined by visual examination, judgment shall be confirmed by subculturing, microscopic examination, or both.

(7) For each set of test vessels representing a serial or subserial tested according to these procedures, the following rules shall apply:

(i) If extraneous growth is found in 2 or 3 test vessels of the initial test, 1 retest to rule out faulty technique may be conducted using 20 unopened final container samples.

(ii) If no extraneous growth is found in 9 or 10 test vessels in the initial test, or 19 or 20 vessels in the retest, the serial or subserial meets the requirements of the test.

(iii) If extraneous growth is found in 4 or more test vessels in the initial test, or 2 or more in a retest, the serial or subserial is unsatisfactory.

(c) *Master Seed Virus.* Not less than 4 ml of each lot of Master Seed Virus shall be tested. Frozen liquid Master Seed Virus shall be thawed, and desiccated Master Seed Virus shall be rehydrated with Soybean Casein Digest Medium immediately prior to starting the test.

(1) To test for bacteria, place 0.2 ml of the sample of Master Seed Virus into 10 individual vessels each containing at least 120 ml of Soybean Casein Digest Medium. Incubation shall be at 30° to 35° C for 14 days.

(2) To test for fungi, place 0.2 ml of the sample of Master Seed Virus into 10 individual vessels each containing at least 40 ml of Soybean Casein Digest Medium. Incubation shall be at 20° to 25° C for 14 days.

(3) Examine the contents of all test vessels macroscopically for microbial growth at the end of the incubation period. If growth in a vessel cannot be reliably determined by visual examination, judgment shall be confirmed by subcultures, microscopic examination, or both.

(4) For each set of test vessels representing a lot of Master Seed Virus tested according to these procedures, the following rules shall apply:

(i) If growth is found in any test vessel of the initial test, one retest to rule out faulty technique may be conducted using a new sample of Master Seed Virus.

(ii) If growth is found in any test vessel of the final test, the lot of Master Seed Virus is unsatisfactory.

(d) *Master Seed Bacteria.* Not less than 4 ml of each lot of Master Seed Bacteria shall be tested. Frozen liquid Master Seed Bacteria shall be thawed, and desiccated Master Seed Bacteria shall be rehydrated with sterile purified water immediately prior to starting the test.

(1) To test for extraneous bacteria, place 0.2 ml of the sample of Master Seed Bacteria into 10 individual vessels each containing at least 40 ml of Fluid Thioglycollate Medium. Incubation shall be at 30° to 35° C for 14 days.

(2) To test for extraneous fungi, place 0.2 ml of the sample of Master Seed Bacteria into 10 individual vessels each containing at least 40 ml of Soybean Casein Digest Medium. Incubation shall be at 20° to 25° C for 14 days.

(3) Examine the contents of all test vessels macroscopically for atypical microbial growth at the end of the incubation period. If growth of extraneous microorganisms cannot be reliably determined by visual examination, judgment shall be confirmed by subcultures, microscopic examination, or both.

(4) For each set of test vessels representing a lot of Master Seed Bacteria tested according to these procedures, the following rules shall apply:

(i) If extraneous growth is found in any test vessel of the initial test, one retest to rule out faulty technique may be conducted using a new sample of Master Seed Bacteria.

(ii) If extraneous growth is found in any test vessel of the final test, the lot of Master Seed Bacteria is unsatisfactory.

(e) Live viral vaccines of chicken embryo origin recommended for administration other than by parenteral injection, which were not tested or have not been found free of bacteria and fungi by the procedures prescribed in paragraph (a) of this section, may be tested according to the procedures prescribed in this paragraph.

(1) Brain Heart Infusion Agar shall be used with 500 Kinetic (Kersey) units of penicillinase per ml of medium added just prior to pouring the plates.

(2) Ten final containers from each serial and each subserial shall be tested.

(3) Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated to the quantity recommended on the label using the accompanying sterile diluent or sterile purified water. Product recommended for mass vaccination shall be rehydrated at the rate of 30 ml sterile purified water per 1,000 doses.

(4) From each container sample, each of 2 plates shall be inoculated with vaccine equal to 10 doses if the vaccine is recommended for poultry or 1 dose if the vaccine is recommended for other animals. Twenty ml of medium shall be added to each plate. One plate shall be incubated at 30° to 35° for 7 days and the other plate shall be incubated at 20° to 25° C for 14 days.

(5) Colony counts shall be made for each plate at the end of the incubation period. An average colony count for the 10 samples representing the serial or subserial shall be made for each incubation condition.

(6) For each set of test vessels representing a serial or subserial tested according to these procedures, the following rules shall apply:

(i) If the average count at either incubation condition exceeds 1 colony per dose for vaccines recommended for poultry, or 10 colonies per dose for vaccines recommended for other animals in the initial test, 1 retest to rule out faulty technique may be conducted using 20 unopened final containers.

(ii) If the average count at either incubation condition of the final test for a serial or subserial exceeds 1 colony per dose for vaccines recommended for poultry, or 10 colonies per dose for vaccines recommended for other animals, the serial or subserial is unsatisfactory.

(37 Stat. 832–833 (21 U.S.C. 151–158))

Done at Washington, D.C., this 16th day of June 1983.

Saul T. Wilson, Jr.,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 83-16615 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

Group Licensing For Certain Medical Uses; Albumin Colloid

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to permit licensed and appropriately trained physicians to use a new reagent kit to prepare the radiopharmaceutical technetium-99m labeled albumin colloid. NRC is taking this action because the Food and Drug Administration (FDA) recently approved a "New Drug Application" permitting the interstate distribution of this reagent kit.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: William J. Walker, Jr., Ph. D., Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 427–4232.

SUPPLEMENTARY INFORMATION: This regulation amends the Nuclear Regulatory Commission's regulation's, "Human Uses of Byproduct Material," 10 CFR Part 35, to add a new reagent kit to NRC's list of authorized radioactive drugs and reagent kits.

As described in NRC's medical policy statement that was published in the **Federal Register** on February 9, 1979 (44 FR 8242), the NRC relies, for assurance of patient protection, on FDA to approve safety and effectiveness of radioactive drugs. The FDA has recently approved a "New Drug Application" for a reagent kit that is used to prepare the liver, spleen and bone marrow imaging radiopharmaceutical, technetium-99m labeled albumin colloid. Approval of a "New Drug Application" means that FDA finds the drug to be safe and efficacious for the use listed in the product labeling.

The NRC regulations in 10 CFR Part 35 list groups of medical uses of byproduct material that have similar levels of radiation hazard associated with their use. Certain requirements for user training and experience, facilities and equipment, and radiation safety procedures apply to the medical uses of each group. The licensee who is authorized to use the materials in a specific group meets these requirements. The licensee is capable of maintaining radiation safety during the use of the materials in the group and of protecting workers and the public from unnecessary exposure to radiation. As new radiopharmaceuticals are found to be safe and effective by FDA, they are added to the appropriate group in the NRC regulations. Adding this reagent kit to Group III of the NRC's regulations in 10 CFR 35.100 will allow the licensee who is authorized to use other materials listed in Group III to use technetium-99m labeled albumin colloid in patients who, in the physician's judgment, should receive it as the diagnostic agent of choice. Without this addition to the NRC's regulations, even the licensee authorized to use other Group III

materials could not use technetium-99m labeled albumin colloid without applying for a license amendment. As a result of this addition to NRC's regulations, patients and physicians will have available to them a new diagnostic radiopharmaceutical without the administrative costs and delays associated with the otherwise necessary amendment of individual licenses.

Due to the minor procedural nature of the amendment, the Commission for good cause finds that the customary notice of proposed rulemaking and public procedure thereon are unnecessary in this case. Supplemental procedures for public reconsideration are provided by the Commission's rules at 10 CFR Part 2, Subpart H, should reconsideration of this rule be necessary. Since the amendment relieves licensees from restrictions under regulations currently in effect, it is effective immediately.

Environmental Impact: Negative Declaration

The Commission has determined under the National Environmental Policy Act of 1969, as amended, and the Commission's regulations in 10 CFR Part 51, that promulgation of this regulation is not a major Federal action significantly affecting the quality of the human environment and therefore an environmental impact statement is not required. The environmental impact appraisal and negative declaration on which this determination is based are available for public inspection at the NRC Public Document Room, 1717 H Street NW., Washington, D.C.

Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et. seq.).

List of Subjects in 10 CFR Part 35

Byproduct material, Drugs, Health facilities, Health professions, Medical devices, Nuclear materials, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements.

Under the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the following amendment to 10 CFR Part 35 is published as a document subject to codification.

PART 35—HUMAN USES BY BYPRODUCT MATERIAL

1. The authority citation for Part 35 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 35.2, 35.14(b), (e) and (f), 35.21(a), 35.22(a), 35.24, and 35.31(b) and (c) are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); and §§ 35.14(b)(5)(ii), (iii) and (v) and (f)(2), 35.27 and 35.31(d) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. Section 35.100 is amended by removing the word "and" following paragraph (c)(4)(xiii), and adding a new paragraph (c)(4)(xiv) to read as follows:

§ 35.100 Schedule A—Groups of medical uses of byproduct material.

* * * * * *

(c) * * *

(4) * * *

(xiv) Albumin colloid; and

* * * * *

Dated at Bethesda, Md., this 13th day of June 1983.

For the Nuclear Regulatory Commission.

William J. Dircks,

Executive Director for Operations.

[FR Doc. 83-16750 Filed 6-21-83; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Conservation and Renewable Energy Office

10 CFR Part 474

[Docket No. CAS-RM-80-202]

Electric and Hybrid Vehicle Research, Development and Demonstration Program; Equivalent Petroleum-Based Fuel Economy Calculation; Correction

AGENCY: Department of Energy.

ACTION: Final rule; correction.

SUMMARY: This document corrects two citations to the Code of Federal Regulations contained in the definition section of final regulations establishing procedures for calculating the equivalent petroleum-based fuel economy of electric vehicles. These regulations are required by section 503(a)(3) of the Motor Vehicle Information and Cost Savings Act, as added by section 18 of the Chrysler Corporation Loan Guarantee Act of 1979, and they were published in the **Federal Register** on April 21, 1981 (46 FR 22753).

FOR FURTHER INFORMATION CONTACT: Robert S. Kirk, Electric and Hybrid Vehicle Division, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252-8032.

Pamela M. Pelcovits, GC-33, Office of General Counsel, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-9527.

Accordingly, the Department of Energy is correcting the definitions for "model type" and "model year" in 10 CFR 474.2 to read as follows:

§ 474.2 Definitions.

* * * * *

"Model type" means the term defined by the Environmental Protection Agency in its regulations at 40 CFR 600.002-81(19).

"Model year" means the term defined by the Environmental Protection Agency in its regulations at 40 CFR 600.002-81(6).

* * * * *

(15 U.S.C. 2003(a)(3))

Issued in Washington, D.C., June 15, 1983.

Joseph J. Tribble,

Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83-16698 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Parts 193 and 561

[FAP OH5254/R570; FAP OH5254/R571; PH-FRL 2384-7]

Tolerances for Pesticides in Food and Animal Feeds Administered by the Environmental Protection Agency; Imazalil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: These rules establish a food and a feed additive regulations to permit the combined residues of the fungicide imazalil and its metabolites in or on certain food and feed commodities. These regulations to establish maximum permissible levels for the combined residues of imazalil in or on the commodities were requested, pursuant to a petition, by Janssen R & D, Inc.

EFFECTIVE DATE: Effective on June 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Environmental Protection Agency, Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-1900).

SUPPLEMENTARY INFORMATION: EPA issued notices published in the **Federal Register** cited below which announced

that Janssen R & D, Inc., 501 George St., New Brunswick, NJ 08903, had submitted a food/feed additive petition (FAP) proposing to amend 21 CFR Parts 193 and 561 by establishing tolerance regulations permitting the combined residues of the fungicide imazalil and its metabolites in or on certain food and feed commodities as follows:

1. *FAP OH5254.* Published April 22, 1980 (45 FR 27009). Citrus oil at 20.0 parts per million (ppm). 1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)-1-ethanol was identified as the metabolite. Janssen R & D, Inc. subsequently amended the petition (47 FR 6091; February 10, 1982), by increasing the tolerance limitation from 20.0 ppm to 25.0 ppm for citrus oil.

2. *FAP OH5254.* Published April 22, 1980 (45 FR 27009). Dried citrus pulp at 20.0 ppm. 1-2,4-dichlorophenyl)-1*H*-imidazole-1-ethanol was identified as the metabolite. Janssen R & D, Inc. subsequently amended the petition (47 FR 6091; February 10, 1982) by increasing the tolerance limitation from 20.0 ppm to 25.0 ppm for dried citrus pulp.

No comments were received in response to the above notices of filing.

The toxicological data and other relevant information submitted in the petition are discussed in a related document [PP 0F2331, 8E2100/R569] establishing tolerances in or on various raw agricultural commodities which appears elsewhere in this issue of the **Federal Register.**

The pesticide is considered useful for the purpose for which the feed and food additive regulations are sought and it is concluded that the fungicide may safely be used in accordance with the prescribed manner when such uses are in accordance with the label and labeling registered pursuant to FIFRA as amended (86 Stat. 973, 89 Stat. 751, U.S.C. 135(a) *et seq.*). Therefore, the feed and food additive regulations are established as set forth below.

Any person adversely affected by these regulations may, on or before July 22, 1983 file written objections with Hearing Clerk at the address given above. Such objections should specify the provisions of the regulations deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1982 (46 FR 24945)

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 346(c)(1)))

List of Subjects in 21 CFR Parts 193 and 561

Food additives, Animal feeds, Pesticides and pests.

Dated: June 10, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

Therefore, 21 CFR, Chapter I is amended as follows:

PART 193—[AMENDED]

1. In Part 193 by adding a new § 193.467 to read as follows:

§ 193.467 Imazalil.

Tolerances are established for the combined residues of the fungicide imazalil 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1*H*-imidazole and its metabolite 1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-l-yl)-1-ethanol in or on the following food commodity:

Foods	Parts per million
Citrus oil	25.0

PART 561—[AMENDED]

2. In Part 561 by adding a new § 561.429 to read as follows:

§ 561.429 Imazalil.

A tolerance is established for the combined residues of the fungicide imazalil 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1*H*-imidazole and its metabolite 1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)-1-ethanol in or on the following feed commodity:

Feed	Parts per million
Citrus pulp (dried)	25.0

[FR Doc. 83-16537 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 245

[Docket No. R-83-866]

Tenant Participation in Multifamily Housing Projects

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

ACTION: Final rule.

SUMMARY: Sections 202(b) (2) and (4) of the Housing and Community Development Amendments of 1978 require that the Secretary assure that owners of certain subsidized multifamily housing projects not interfere with the efforts of tenants to obtain rent subsidies or other public assistance and do not impede the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize. This final rule implements these requirements with respect to multifamily housing projects which: (1) have mortgages which are insured or held by the Secretary and are assisted under the National Housing Act pursuant to Section 236 or Section 221(d)(3) BMIR, or under Section 101 of the Housing and Urban Development Act of 1965; or (2) were assisted under the above sections prior to acquisition by the Secretary and subsequently have been sold subject to a mortgage insured or held by the Secretary and an agreement to maintain the low- and moderate-income character of the project.

EFFECTIVE DATE: August 2, 1983.

FOR FURTHER INFORMATION CONTACT: James J. Tahash, Director, Program Planning Division, Office of Multifamily Housing Management, Department of Housing and Urban Development, Washington, D.C. 20410, (202) 755-5654. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Section 202 of the Housing and Community Development Amendments of 1978 states a recognition of the importance and benefits of cooperation and participation of tenants in creating a suitable living environment and contributing to the successful operation of multifamily housing projects

subsidized under certain HUD programs. Subsection (b) of Section 202 provides, among other things, that "the Secretary shall assure that * * * project owners not interfere with the efforts of tenants to obtain rent subsidies or other public assistance * * * [and] do not impede the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize" (12 U.S.C. 1715 Z–1b (b) (2), (4)). Section 202 is applicable to multifamily housing projects assisted under Section 236 or the proviso of Section 221(d)(5) (i.e., Section 221(d)(3) BMIR) of the National Housing Act, or under Section 101 of the Housing and Urban Development Act of 1965 (rent supplement), or projects formerly assisted under such provisions and thereafter acquired by the Secretary and sold subject to a mortgage insured or held by the Secretary and an agreement to maintain the low- and moderate-income character of the project.

On September 29, 1980, the Department published for public comment (at 45 FR 64211) a proposed rule which would implement the foregoing provisions of Section 202. Twenty-eight individuals and organizations, including legal services organizations, public interest groups, public housing agencies, community service organizations, project management agencies and a trade association, submitted written comments.

The Department is now publishing its final rule implementing subsections (2) and (4) of Section 202(b) of the 1978 Amendments. The final rule adds a new Part 245—Tenant Participation in Multifamily Housing Projects—to the Department's regulations. (The proposed rule published in September 1980 would have added a new Part 430 in Chapter IV of the Department's regulations. Chapter IV consists of regulations initially promulgated by the Assistant Secretary for Housing Management. However, since that position was abolished in 1976 and its functions vested in the Assistant Secretary for Housing—Federal Housing Commissioner, the final rule is being placed in 24 CFR Chapter II, which contains regulations issued by that Assistant Secretary.) The Department is also preparing a proposed rule which would implement the requirements of paragraph (1) of Section 202(b), which was amended by Section 329F of the Omnibus Budget Reconciliation Act of 1981. The provisions of that forthcoming proposed rule would also be contained in the new Part 245.

Following is a summary of comments received on the proposed rule published in September 1980, the Department's response thereto, and changes from the proposed rule incorporated in this final rule.

1. Proposed § 430.1 would have stated the purpose of the regulations as being to prohibit multifamily project mortgagors "from interfering with tenants in organizing and/or seeking rental assistance." In view of the anticipated broader scope of Part 245 as including the requirements of subsection (1) as well as subsections (2) and (4) of Section 202(b), § 245.1 incorporates the statutory statement of purpose from Section 202(a) as the purpose of Part 245.

2. Proposed § 430.3(a) would have required that project mortgagors "shall not take any action to discourage the constructive participation of the tenants in operation of the project covered under Part 402 of this title." Several commentors pointed out that there is no Part 402 in Title 24 of the Code of Federal Regulations. At the time of publication of the proposed rule, it was anticipated that a new Part 402 would be proposed which would implement the provisions of subsection (1) of Section 202(b) which, as originally enacted, would have required that tenants have an opportunity to comment on any "owner's actions" requiring Secretarial approval. Section 202(b)(1) was amended in 1981 to state that its requirements apply to certain stated actions only. As noted above, the Department expects to propose separately additions to Part 245 intended to address the requirements of Section 202(b)(1), as amended. Accordingly, the provision proposed as § 430.3(a) has been deleted in the final rule.

3. Proposed § 430.3(b)(1) would have required that project mortgagors not "impede reasonable efforts of resident tenant organizations to represent their members or reasonable efforts of tenants to organize." Several commentors objected to use of the word "reasonable", notwithstanding its use in the statute. Several requested clarification of the term but had no suggestion; others suggested substitution of the terms "legal" or "good faith." No commentor described any specific circumstance which it indicated either should or should not be considered a "reasonable" effort, nor does the legislative history of the statutory provision offer further guidance outside the context, discussed below, of making meeting space available. The Department does not believe that either "good faith" or "legal" would materially reduce the potential for controversy and has determined not to depart from the statutory standard. Section 245.10 of the final rule states the requirement in substantially the same terms as the proposed rule.

4. Proposed § 430.3(c) would require mortgagors to "allow tenant organization or the tenants to hold meetings in any community room or available space which is appropriate for such meetings and which is part of the mortgaged property. The mortgagor may charge a rental fee, if such fee is reasonable and has been approved by HUD." This provision responded to the fact that the principal, if not exclusive, focus of the legislative history concerning Section 202(b)(4) of the statute was on the project owner's making project space available for tenant meetings.

As introduced in the Senate, the provision would have required that project owners "shall deal in good faith with resident tenant organizations, and shall not interfere with the right of resident tenants to organize for the purpose of dealing collectively with project owners. For the purpose of assisting resident tenant organizations, project owners shall have discretion to expend reasonable amounts" (S. 2800, 95th Cong., 2d Sess., § 105(4). Hearings on S. 2637 Before the Subcommittee on Housing and Urban Affairs, Senate Committee on Banking, Housing and Urban Affairs, 95th Cong., 2d Sess., 924 (1978). As passed by the Senate, the provision was revised to require that project owners "cooperate with resident tenant organizations, and do not interfere with the right of tenants to organize such organizations." The bill further authorized the Secretary to prescribe appropriate standards for compliance "including approval of reasonable expenditures from project income to support activities of resident tenants' organizations" (S. 3084, 95th Cong., 2d Sess., § 207(b)(2), 124 Cong. Rec. 21980 (1978).

In conference, the requirement was changed from one of active cooperation to noninterference. The rationale for the change was explained by a House conferee in this manner: "For some time there wasn't any positive obligation on the part of a project sponsor. So what we would be doing, if we were to be very assertive in this area, would be to come in after the project sponsors and the project has been going for some period of time and to lay on them a new area of responsibility. And it just seemed that there were other ways of going about this to accomplish very

much the same result" (Transcript of Proceedings, Conference Committee Meeting on the Housing and Community Development Act of 1978 20 (September 14, 1978)) (Mr. Ashley). The focus of the following discussion regarding "reasonable efforts" was on the availability of project space for tenant meetings. As stated by a House conferee: "I think it is reasonable if you have a unit which has a common meeting place which is frequently used for other purposes and the tenants desire to use that one night for organizing, I think that is reasonable, and I don't think the owner ought to impede that. I think it is that kind of thing we are talking about". (Transcript, supra at 23) (Mr. Mitchell).

Following these discussions, the Conference Report discussed the final version of Section 202(b)(4) as follows:

> The Senate bill contained a provision not in the House amendment which authorized the Secretary, in carrying out the other provisions of the section, to prescribe standards for compliance which might include approval of reasonable expenditures from project income to support resident tenants' organizations. The conference report does not contain this provision. The conferees believe that the Secretary now has authority to approve reasonable expenditures from project funds to pay for tenant activities related to the project. The conferees wish to indicate that this authority includes, for example the approval of expenditures necessary to make meeting spaces available to tenants and representative tenant organizations in situations where charges normally imposed for the use of such facilities. Clearly, project owners are not to be permitted to unreasonably withhold the use of such spaces when requested by representative tenant organizations." Subcommittee on Housing and Community Development, House Committee on Banking, Finance and Urban Affairs, 95th Cong., 2d Sess., Compilation of the Housing and Community Development Amendments of 1978 96 (Comm. Print 1978).

Numerous commentors objected to the provision permitting the charging of a fee for use of a community room on the ground that imposing such a charge would "conflict" with the statutory recognition of the benefits to be derived by the project from tenant participation. Another commentor urged that the mortgagor be permitted to charge a fee only if the fee normally is charged for the space. The Department agrees that, as assumed in the Conference discussion, a charge for use of project facilities by a tenant organization or tenants must be in keeping with fees normally charged for the same facilities in accordance with the schedules of charges approved by HUD in the ordinary course of its project supervision. The Department also encourages, but will not require, owners to waive charges normally imposed in order to assist resident tenant organizations. The Department also is concerned, however, that the language "must allow" could be construed as requiring the mortgagor to make space available on short notice even at times when other uses of the space have been scheduled.

In view of the above considerations, § 245.11 of the final rule provides that mortgagors "shall not unreasonably withhold" the use of a community room or other appropriate space when requested by a resident tenant organization in connection with the representational purposes of such organization or by tenants seeking to organize or to consider collectively any matter pertaining to the operation of the project. The phrase "unreasonably withhold" is derived from the Conference Report language quoted above. The final rule further provides that the mortgagor "may charge for such use such fees or charges approved by the Secretary as may normally be imposed for the use of such facilities or may waive such charges."

5. One commentor urged that the prohibition against impeding tenant organizations be expanded to require that access to the mortgaged property be given to city-wide or county-wide tenant union organizers. Another commentor urged that requirements of the regulation not be applicable, if an existing resident organization is in place, to "a small militant group [which] begins separate organizing efforts." Similarly, another suggested that the Department "stipulate in its final regulation that tenants of a project should be involved in electing one group to represent the tenants at-large." The Department believes that a city-wide or county-wide tenant union may be outside the scope of the affirmative requirement to not unreasonably withhold use of project space, which is intended primarily for project resident organizations. However, in circumstances where the organizing effort is not disruptive and appears to have, or to be likely to obtain, substantial support among project residents, such efforts may be considered "reasonable efforts" within the scope of the general requirement that the mortgagor not impede reasonable efforts to organize or the reasonable efforts of a tenant organization to represent its members. The Department also believes, generally, that the same scope of protection is not required to be extended to splinter groups as is required to be extended to a duly constituted representative organization. However, the Department considers all of these situations too much subject to small but significant factual variations to permit sensible regulation on a generic basis.

6. One commentor suggested that the regulations "should include a prohibition of mortgagors having any of their agents or employees at any meetings that tenants hold and should make it clear to mortgagors that they are not entitled to any information regarding attendance at such meetings or the substance of any discussion at meetings." The Department believes that the comment assumes an adversarial relationship between project owners and tenants that is directly at variance with the "importance and benefits of cooperation" recognized and anticipated by the statute.

7. Proposed §430.2 would have excluded cooperative projects from the coverage of all provisions of the rule. One commentor objected to this exclusion on the grounds that (i) non-members of cooperatives who rent units from the cooperative are in the same position vis-a-vis the project owner as tenants in a rental project, and (2) the protections afforded to efforts to organize may be equally necessary to challengers to an incumbent cooperative board. In addition, the statutory definition of coverage, by reference to projects eligible for flexible subsidy assistance, includes certain cooperatives. Notwithstanding these objections, the Department believes that the exclusion of cooperatives from the provisions regarding tenant organizations is appropriate. Cooperative members have input into the management and operation of the project through their election of the cooperative board or similar management group. The rights of residents as cooperative members are protected by the cooperative bylaws, and the Department does not believe that Section 202 was intended to interfere with such provisions. Moreover, the focus of Section 202(b)(4) is on collective, and therefore necessarily majoritarian, action by representative organizations. The rights of dissenting minorities appear to be beyond the intended scope of the statute. However, upon reexamination of the exclusion, the Department agrees that no important reason exists for excluding cooperative members from the protections of Section 202(b)(2) (efforts of tenants to obtain rent subsidies or other public assistance). Accordingly, the exclusion is limited to Subpart B of Part 245, containing the provisions regarding tenant organizations.

8. Proposed § 430.3(b)(1) would have required that a mortgagor not "impede or interfere with the efforts of tenants to obtain direct rental subsidies or other public assistance which is paid directly to the tenants." The qualifier "direct" is not statutory and, in fact, no Federal rent subsidies are paid directly to the tenant but, instead, are paid to the project owner on the tenant's behalf. The qualifying limitation has been deleted from the final rule in § 245.20.

9. Proposed § 430.3(b)(3) would have required that a mortgagor not "refuse to provide such assistance (as described in § 430.2) to a tenant who is eligible for the assistance which has sufficient funds and/or units to cover rental assistance to the tenant." The reference to assistance "described in § 430.2" was intended to refer to rent supplement under Section 101 of the Housing and Urban Development Act of 1965 and to rental assistance payments under Section 236(f)(2). As contained in § 245.20(b) of the final rule, the provision has been expanded to include project-based Section 8 assistance which may be available under the Loan Management Set-Aside Program (24 CFR Part 886, Subpart A) or under an allocation made in connection with the disposition of a HUD-held project (24 CFR Part 886, Subparts B and C).

10. Several commentors urged that the foregoing protection contained in proposed § 430.3(b)(3) be extended to applicants as well as to existing tenants. Such an extension would be beyond the scope of Section 202, which is directed to the ability of existing tenants in remaining in a project. At the same time, the Department continues to believe that project owners with subsidy contracts limited in amount as to covered units and contract and budget authority must retain some flexibility and discretion in allocating subsidy among eligible recipients. An owner may elect to provide available subsidy to a current non-subsidized tenant who applied later than an eligible non-tenant, rather than be forced to evict current tenants who cannot pay a full rent and replace them with new and unknown tenants who happen to stand higher on a waiting list (cf. *Ressler* v. *Pierce*, 692 F. 2d. 1212, 1219 (9th Cir. 1982). On the other hand, a project owner with a vacancy may prefer to fill the vacant unit with an applicant requiring a subsidy rather than to allocate the subsidy to an existing tenant who is paying an unsubsidized rent and may be able to continue doing so notwithstanding his eligibility for subsidy. For these reasons, and in recognition of the tenant selection rights of owners, the Department specifically declines to adopt the suggestion of a commentor that project owners be required to maintain chronological waiting lists and to follow them. Accordingly, § 245.20(b) makes it clear that the prohibition on refusing available assistance shall not be deemed to require that the mortgagor "give priority in the allocation of any such available assistance to an existing tenant instead of an eligible applicant on the mortgagor's waiting list or otherwise to supersede tenant selection procedures not otherwise inconsistent with applicable program regulations or instructions." The provision is intended only to require that mortgagors fully utilize available subsidy when existing tenants are eligible, subject to contract limitations. The extent of an owner's obligation to fully utilize available subsidy for eligible non-tenant applicants is governed by applicable program regulations or the terms of assistance contracts.

11. Proposed § 430.3(b)(4) would have provided that nothing in Part 430 "shall be construed to require owners to enter into Housing Assistance Payment [HAP] contracts." Numerous commentors objected to this provision permitting project owners to refuse to participate in the Section 8 Finders-Keepers Program on the ground that subsidized project owners "should be encouraged to sign HAP contracts" and "discouraged from arbitrary denials of Section 8 certificateholders." Notwithstanding these comments, the Department is retaining, in § 245.20(c), a provision that, subject to an exception noted below, the rule " shall not be deemed to require a mortgagor to enter into a Housing Assistance Payments Contract pursuant to 24 CFR Part 882 for the benefit of an existing tenant who obtains a Certificate of Family Participation." The legislative history is singularly devoid of any guidance as to the specific intent of Section 202(b)(2), except for a statement in the Conference Report that "With respect to rent subsidies or other public assistance, owners are to make available to residents any information prepared and distributed to the project by the Department of Housing and Urban Development regarding such programs and assistance" (Compilation, supra, at 96). (This direction was incorporated in § 430.3(d) of the proposed rule and is contained without substantial change in § 245.21 of the final rule.)

Participation in the Section 8 Finders-Keepers Program is entirely voluntary on the part of unit owners, and the Department is not persuaded that Congress, by enacting the non-interference provisions of Section 202(b)(2), intended to make such participation compulsory on the part of owners of existing projects subsidized under other programs.

Comparison with a concurrent enactment is instructive. In Section 204 of the 1978 amendments, Congress provided that the Secretary

> • • • shall require any purchaser of a multifamily housing project owned by the Secretary which is sold on or after October 1, 1978, to agree not to refuse unreasonably to lease a vacant dwelling unit in the project which rents for an amount not greater than the fair market rent for a comparable unit in the area as determined by the Secretary under section 8 of the United States Housing Act of 1937 to a holder of a certificate of eligibility under that section solely because of such prospective tenant's status as a certificate holder.

The key point of comparison is that Section 204 was prospective, applying only to persons who enter into purchases after the effective date of the statute. The point of the commentors' objection would be to impose the same obligation upon mortgagors who had become project owners under other particular program provisions years earlier. As noted above in connection with the conference discussion of § 202(b)(4), Congress appeared sensitive to imposing new responsibilities on pre-existing relationships.

(The exception to § 245.20(c), noted above, takes account of agreements made in connection with acquisition of projects from the Secretary, whether entered into pursuant to Section 204 or otherwise.)

In reaching its determination, the Department is also guided by the legislative history of Section 202(b)(2). As introduced in the Senate, the provision would have required project mortgagors to "actively assist tenants in obtaining rent subsidies or other financial assistance" (S. 2800, 95th Cong., 2d Sess. § 105(1), Hearings, supra, at 924 (1978)). As passed by the Senate, the provision would require owners to "cooperate in reasonable efforts to assist tenants in obtaining rent subsidies or other public assistance" (S. 3084, 95th Cong., 2d Sess., § 207(b)(2), 124 Cong. Rec. 21980). As finally enacted, the provision was changed to a prohibition against interference. None of the Committee reports gives any indication as to the reasons for these successive changes or, except as noted above, any other indication as to the specific requirements intended by the provision. Taken together with the considerations noted above regarding the voluntary nature of participation in the Section 8

program and the comparison with the specific but prospective requirements of Section 204, however, the history indicates a lack of intention to impose on existing project owners an obligation to participate in the Section 8 program.

12. Proposed § 430.4 would have provided that if a mortgagor fails to comply with the requirements of Part 430, that fact would be reported to the Previous Participation Review Committee "to be used by that committee in making its determination for future submissions by the mortgagor." Several commentors objected to this provision to the extent that it indicated that other sanctions under project Regulatory Agreements which are available in cases of noncompliance with applicable regulations would not be invoked for noncompliance with the tenant participation requirements. The objection is well taken, and the provision has been deleted from the final rule. Without specific provision in Part 245, all sanctions under the Regulatory Agreement are available in cases of noncompliance with the regulations, as well as sanctions available under other regulatory provisions including 24 CFR Part 200, Subpart H (Participation and Compliance Requirements).

13. Proposed § 430.2 would have made Part 430 applicable to projects covered by mortgages insured or held by the Secretary and assisted under Section 236, with a below-market interest rate pursuant to Section 221(d)(3), or by rent supplement, or which were insured and so assisted and thereafter acquired and sold by the Secretary "subject to a mortgage."

Section 202 of the Housing and Community Development Amendments of 1978 defines its coverage in terms of projects "eligible for assistance as described in" Section 201 of the same statute, which authorized flexible subsidy operating assistance. Projects not insured under the National Housing Act but financed by a State agency under Section 236(b) of the National Housing Act or under Section 101 of the Housing and Urban Development Act of 1965 are eligible for flexible subsidy assistance. These uninsured projects are, therefore, as a consequence of the cross-reference in Section 202, within the stated coverage of the latter statute.

As adopted by the Senate, Section 202 applied specifically only to insured or HUD-acquired projects or projects sold by the Secretary subject to an agreement to maintain the low- and moderate-income character of the project. The conformance of coverage definitions occured in Conference. While the legislative history contains no indication that the extension of the coverage of Section 202 to State-assisted uninsured projects (or the deletion of coverage of projects owned by the Secretary) was specifically intended, the result, even if unintended, is clear.

The Department's proposed authorization legislation submitted in both 1982 and 1983 included a proposal to remove uninsured State-assisted projects from Section 202's coverage. (H.R. 6020, 97th Cong., 2d Sess., § 207(a), Housing and Community Development Amendments of 1982; H.R. 1901, 98th Cong., 1st Sess., § 211, Housing and Community Development Act of 1983.) The Department's proposal was contained in the authorization bill reported by the Senate Committee on Banking, Housing, and Urban Affairs in both 1982 and 1983 (S. 2607, Rep. No. 97-463, 97th Cong., 2d Sess., § 207(a); S. 1338, Rep. No. 98-142, 98th Cong., 1st Sess., § 309). However, no floor action on authorization legislation occured in either the Senate or House in the 1982 session, nor has it occured as yet in the 1983 session.

The Department believes that extension of the coverage of Section 202 to projects financed and supervised by State agencies would be inappropriate. Pending Congressional consideration of the Department's legislative proposal, inasmuch as public comment on an appropriate manner of integrating Section 202 requirements with State supervision was neither solicited nor received, the Department has elected not to extend the coverage of this final rule to uninsured State-assisted projects. If the Department's legislative proposal is rejected, the Department will propose an extension of this rule to cover such projects.

This rule is listed at 48 FR 18058 item H-24-79 in the Department's Semiannual Agenda of Regulations published on April 25, 1982 (48 FR 18054), pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

A Finding of No Significant Impact with respect to the environment was made for the proposed rule in accordance with HUD regulations in 24 CFR Part 50 which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. That Finding of No Significant Impact is also applicable to this final rule. The Finding of No Significant Impact is available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, S.W., Washington, D.C. 20410.

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

Pursuant to 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. This rule imposes no compliance costs.

List of Subjects in 24 CFR Part 245

Housing, Loan programs—housing and community development, Low- and moderate-income housing, Mortgages, Projects, Rent subsidies.

The programs affected by this rule change are identified in the Catalog of Federal Domestic Assistance as follows:

14.103—Interest Reduction Payments—Rental and Cooperative Housing for Lower Income Families

14.137—Mortgage Insurance—Rental and Cooperative Housing for Low- and Moderate-Income Families, Market Interest Rate

14.138—Mortgage Insurance—Rental Housing for the Elderly

Accordingly, 24 CFR Chapter II is amended by adding a new Part 245, to read as follows:

PART 245—TENANT PARTICIPATION IN MULTIFAMILY HOUSING PROJECTS

Subpart A—General Provisions

Sec.

245.1 Purpose.

245.2 Applicability.

Subpart B—Tenant Organizations

245.10 Organizations and efforts to organize.

245.11 Meeting space.

245.12 Cooperatives.

Subpart C—Efforts to Obtain Assistance

245.20 Efforts to obtain assistance

245.21 Availability of information.

Authority: Sec. 202, Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1b); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 245.1 Purpose.

The purpose of this Part is to recognize the importance and benefits of cooperation and participation of tenants in creating a suitable living environment in multifamily housing projects and in contributing to the successful operation of such projects, including their good physical condition, proper maintenance, security, energy efficiency, and control of operating costs.

§ 245.2 Applicability.

Except as modified by § 245.12, the requirements of this part shall apply to mortgagors of multifamily housing projects which:

(a) Have mortgages which—

(i) Have received final endorsement on behalf of the Secretary and are insured under the National Housing Act or held by the Secretary; and (ii) Are assisted under Section 236 or the proviso of Section 221(d)(5) of the National Housing Act, or under Section 101 of the Housing and Urban Development Act of 1965; or

(b) Were assisted under the above programs prior to acquisition by the Secretary and thereafter were sold by the Secretary subject to a mortgage insured or held by the Secretary and an agreement to maintain the low- and moderate-income character of the project.

Subpart B—Tenant Organizations

§ 245.10 Organizations and efforts to organize.

Mortgagors subject to the requirements of this Subpart shall not impede the reasonable efforts of resident tenant organizations to represent their members or the reasonable efforts of tenants to organize.

§ 245.11 Meeting space.

Mortgagors subject to the requirements of this Subpart shall not unreasonably withhold the use of any community room or other available space appropriate for meetings which is part of the mortgaged property when requested by—

(i) A resident tenant organization in connection with the represenational purposes of such organization; or (ii) Tenants seeking to organize or to consider collectively any matter pertaining to the operation of the project. The mortgagor may charge for such use such fees or charges approved by the Secretary as may normally be imposed for the use of such facilities or may waive such charges.

§ 245.12 Cooperatives.

The requirements of this Subpart B shall not be applicable to any mortgagor which is a cooperative housing corporation or association.

Subpart C—Efforts To Obtain Assistance

§ 245.20 Efforts to obtain assistance.

(a) Mortgagors subject to the requirements of this Subpart shall not interfere with the efforts of tenants to obtain rent subsidies or other public assistance.

(b) A mortgagor subject to the requirements of this Subpart who is a party to a rent supplement contract under Part 215 of this Chapter, a rental assistance payments contract under Part 236, Subpart D, of this Chapter, or a Housing Assistance Payments Contract under 24 CFR Part 886 shall not refuse to make assistance under such contract available to an existing tenant who is eligible therefor, provided that sufficient contract and budget authority and contract units are available under the contract. However, this provision shall not be deemed to require the mortgagor to give priority in the allocation of any such available assistance to an existing tenant instead of an eligible applicant on the mortgagor's waiting list or otherwise to supersede tenant selection procedures which are not otherwise inconsistent with applicable program regulation or instructions.

(c) Subject to the provisions of any contract made in connection with the purchase of a multifamily housing project owned by the Secretary, this section shall not be deemed to require a mortgagor subject to the requirement of this Subpart to enter into a Housing Assistance Payments Contract pursuant to 24 CFR Part 882 for the benefit of an existing tenant who obtains a Certificate of Family Participation.

§ 245.21 Availability of information.

A mortgagor subject to the requirements of this Subpart shall make available to tenants any information concerning rent subsidies or other public assistance that is prepared and distributed by HUD to the project for the purpose of distribution to tenants.

Dated: June 15, 1983.

Philip Abrams,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 83-16783 Filed 6-21-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8-R, Amdt. No. 21]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Double Coverage

AGENCY: Office of the Secretary, DoD.

ACTION: Amendment of final rule.

SUMMARY: This amends the CHAMPUS Regulation to implement Section 779 of Pub. L. 97-377. This section provides that CHAMPUS shall be secondary payer to all other insurance, medical service, or health plans except those plans administered under title XIX of the Social Security Act (Medicaid).

DATES: This amendment is effective December 21, 1982. Comments will be accepted until July 22, 1983.

FOR FURTHER INFORMATION CONTACT: Stephen E. Isaacson, Policy Branch, OCHAMPUS, telephone (303) 361-4005.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-7834, appearing in the **Federal Register** on April 4, 1977 (42 FR 17972), the Office of the Secretary of Defense published its regulation, DoD 6010.8-R, "Implementation of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)," as Part 199 of this title.

On December 21, 1982, Pub. L. 97-377 was signed into effect. Section 779 of that law states that no CHAMPUS benefits shall be available for the payment for any service or supply for persons enrolled in any other insurance, medical service, or health plan to the extent that the service or supply is a benefit under the other plan, except in the case of those plans administered under title XIX of the Social Security Act (Medicaid). Therefore, in all double coverage situations, and for all classes of beneficiaries, CHAMPUS shall be secondary payer except when the other medical coverage is provided through Medicaid.

As authorized under 32 CFR 296.2(d)(4), the final regulation is being published and no previous public comment has been requested. The change is mandated through public law signed into effect on December 21, 1982, and we do not believe it is in the public interest to delay the implementation through the publication of a proposed rule. However, for a period of 30 days following the date of the publication of this amendement in the **Federal Register**, we will accept public comments and, when appropriate, will revise the

amendment. A notice advising of any revisions prompted by public comments will be published in the **Federal Register** no later than 90 days following the end of the comment period. Written public comments must be received on or before July 22, 1983.

List of Subjects in 32 CFR Part 199

Health insurance, Military personnel, Handicapped.

Accordingly, 32 CFR, Chapter I, Part 199, is amended to read as follows:

PART 199—IMPLEMENTATION OF THE CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES

Section 199.14 is amended by revising it in its entirety to read as follows:

§ 199.14 Double coverage.

(a) *Introduction.* In enacting CHAMPUS legislation, Congress has clearly intended that CHAMPUS be secondary payer to all health benefit and insurance plans. Section 779 of Public Law 97-377 specifically provides that no CHAMPUS benefits "shall be available for the payment for any service or supply for persons enrolled in any other insurance, medical service, or health plan to the extent that the service or supply is a benefit under the other plan, except in the case of those plans administered under title XIX of the Social Security Amendments of 1965" (Medicaid). The underlying intent, in addition to preventing waste of Federal resources, is to ensure that CHAMPUS beneficiaries receive maximum benefits while ensuring that the combined payments of CHAMPUS and other health benefit and insurance plans do not exceed the total charges.

(b) *Double coverage plan.* A "double coverage plan" is one of the following:

(1) *Insurance plan.* An insurance plan is any plan or program which is designed to provide compensation or coverage for expenses incurred by a beneficiary for medical services and supplies. It includes plans or programs for which the beneficiary pays a premium to an issuing agent as well as those plans or programs to which the beneficiary is entitled by law or as a result of employment or membership in, or association with, an organization or group.

(2) *Medical service or health plan.* A medical service of health plan is any plan or program of an organized health care group, corporation or other entity for the provision of health care to an individual from plan providers, both professional and institutional. It includes plans or programs for which the beneficiary pays a premium to an issuing agent as well as those plans or programs to which the beneficiary is entitled by law or as a result of employment or membership in, or association with, an organization or group.

(3) *Exceptions.* Double coverage plans do not include:

(i) Plans administered under title XIX of the Social Security Act (Medicaid);

(ii) Coverage specifically designed to supplement CHAMPUS benefits;

(iii) Entitlement to receive care from Uniformed Services Medical Care Facilities; or

(iv) Certain federal government programs, as prescribed by the Director, OCHAMPUS, which are designed to provide benefits to a distinct beneficiary population and for which entitlement does not derive from either premium payment or monetary contribution (e.g., the Indian Health Service).

(c) *Application of double coverage provisions.* CHAMPUS claims submitted for otherwise covered services and/or supplies, and which involve double coverage, shall be adjudicated as follows:

(1) *CHAMPUS always last pay.* For any claim which involves a double coverage plan as defined above, CHAMPUS shall be last pay, i.e., CHAMPUS benefits shall not be extended until all other double coverage plans have adjudicated the claim.

(2) *Waiver of benefits.* A CHAMPUS beneficiary may not elect to waive benefits under a double coverage plan and use CHAMPUS. Whenever double coverage exists, the provisions of this section shall be applied.

(3) *Last pay limitations.* CHAMPUS shall not pay more as a secondary payer than it would have in the absence of other coverage. Application of double coverage provisions does not extend or add to the CHAMPUS benefits as otherwise set forth in this and other sections of this regulation.

(d) *Special considerations.*—(1) *CHAMPUS and Medicare.* In any double coverage situation involving Medicare, Medicare is always primary payer. When Part A, "Hospital Insurance", of Medicare is involved, the Medicare "lifetime reserve" benefit must be used before CHAMPUS benefits may be extended.

(2) *CHAMPUS and Medicaid.* Medicaid is not a double coverage plan. In any double coverage situation involving Medicaid, CHAMPUS is always primary payer.

(3) *CHAMPUS and worker's compensation.* CHAMPUS benefits are not payable for work-related illness or injury which is covered under a worker's compensation program.

(4) *Program for the Handicapped.* All local resources must be considered and utilized before CHAMPUS benefits under the Program for the Handicapped may be extended. If a handicapped CHAMPUS beneficiary who is otherwise eligible for benefits under the Program for the Handicapped is eligible for other federal, state, and/or local assistance to the same extent as any other resident of citizen, CHAMPUS benefits are payable only on a secondary payer basis. The sponsor does not have the option of waiving available federal, state, and/or local assistance in favor of using CHAMPUS benefits.

(e) *Implementing instructions.* The Director, OCHAMPUS (or a designee), shall issue such instructions, procedures, or guidelines as necessary to implement the intent of this section.

(Pub. L. 97-377)

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

June 15, 1983.

[FR Doc. 83-16638 Filed 6-21-83; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 173

[OPP-00159A; PH-FRL 2382-4]

Procedures Governing the Rescission of State Primary Enforcement Responsibility for Pesticide Use Violations; Confirmation of Effective Date

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; confirmation of effective date.

SUMMARY: As required by section 25(a)(4) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIRA), EPA submitted a final regulation interpreting several of the key provisions in sections 26 and 27 of FIFRA to both Houses of Congress for review prior to the regulation taking effect. The regulation was published in the **Federal Register** of January 5, 1983 (48 FR 404). The minimum 60-day period for Congressional review ended on May 16, 1983. Congress did not act either to extend the review period or to disapprove the regulation. Also, the Agency submitted the regulation to the Office of Management and Budget

(OMB), as required by Executive Order 12291, for a 15-day review on September 27, 1982.

DATE: The regulation becomes effective on June 22, 1983.

FOR FURTHER INFORMATION CONTACT: John MacDonald, Compliance Monitoring Staff (EN-342), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. M-2624E, 401 M St., SW., Washington, D.C. 20460, (202-382-7846).

SUPPLEMENTARY INFORMATION: EPA promulgated a final regulation, which was published in the **Federal Register** of January 5, 1983 (48 FR 404), under sections 26 and 27 of FIFRA, as amended (7 U.S.C. 136 et seq.). This regulation stated EPA's interpretation of several of the key provisions in sections 26 and 27 of FIFRA. The rule also provided operational substance to the criteria used by EPA for primacy related decisionmaking, and ensured that such decisionmaking is consistent throughout the regions. However, as required by section 25(a)(4) of FIFRA, this regulation could not take effect until it had been submitted to both Houses of Congress for review and possible disapproval. This review period was to last for a minimum of 60 days of continuous Congessional session, as defined by section 25(a)(4), with a possibility of extension by Congress for an additional 30 days. Since it was not possible to predict an exact date on which the Congressional review period would end, the preamble to the final regulation stated that EPA would issue a separate **Federal Register** notice after the review period was over announcing the effective date of the regulation. On May 16, 1983, 60 days of continuous Congressional session elapsed. Since neither House of Congress took any action in that period either to disapprove the regulation or to extend the review period, Congessional review under section 25(a)(4) of FIFRA ended on that date.

Accordingly, the final regulation promulgated on June 5, 1983, will take effect on June 22, 1983.

(Sec. 25, as amended, Pub. L. 96-539, 94 Stat. 3195 (7 U.S.C. 136))

List of Subjects in 40 CFR Part 173

Administrative practice and procedure, Intergovernmental relations, Pesticides and pests.

Dated: June 7, 1983.

Don R. Clay

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 83-16138 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 9F2207, 3F2781/R567; PH-FRL 2382-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Permethrin

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the insecticide permethrin and its metabolites in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for residues of permethrin and its metabolites in or on the commodities was requested in pesticide petitions submitted by ICI Americas, Inc.

EFFECTIVE DATE: Effective on June 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Timothy Gardner, Product Manager (PM) 17, Registration Division (TS-767C), Environmental Protection Agency, Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-2690).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of July 20, 1979 (44 FR 42773) which announced that ICI Americas, Inc., Concord Pike and New Murphy Rd., Wilmington, DE 09803, had submitted pesticide petition 9F2207 to EPA. The petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide permethrin [(3-phenoxyphenyl) methyl (±)-*cis, trans*-3-(2,2-dichloroethenyl)-2,2 dimethylcyclopropanecarboxylate] in or on certain raw agricultural commodities which included corn fodder and forage at 115 parts per million (ppm) and sweet corn at 0.1 ppm.

The proposed tolerances for sweet corn and corn fodder and forage were subsequently withdrawn because the tolerance levels for these commodities, in conjunction with tolerances for other uses, raised questions regarding the level of safety for residues of permethrin in milk.

There were no comments received in response to the notice of filing.

A new pesticide petition 3F2781 was later submitted which proposed establishing tolerances for the combined residues of permethrin and its metabolites in or on sweet corn at 0.1 ppm and corn fodder and forage at 12 ppm. Revised label directions were submitted which proposes a 1-day preharvest interval (PHI) for corn ears and a 30-day PHI for corn forage. The petition was subsequently amended to provide a 1-day PHI for all parts of the sweet corn plant. Consequently, the tolerances for corn fodder and forage were amended to 60 ppm. Because the established meat and milk tolerances would not cover secondary residues resulting from the uses wherein a 1-day PHI is observed, the amended petition also increased tolerance levels to 0.15 ppm for residues in meat of cattle, goats, sheep, horses, and hogs; 2.0 ppm in the fat of cattle, goats, sheep, horses, and hogs; 1.0 ppm in the meat byproducts of cattle, goats, sheep, and horses; 3.75 ppm in milkfat reflecting residues of 0.15 ppm in whole milk.

Further, the tolerance expression of the insecticide was revised to read: "permethrin [(3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropanecarboxylate] and its metabolities 3-(2,2-dichloroethenyl)-2,2-dimethylcyclopropane carboxylic acid (DCVA) and (3-phenoxyphenyl) methanol (3-PBA) calculated as parent in or on plant commodities; and for residues of permethrin and its metabolites indicated above plus 3-phenoxybenzoic acid calculated as parent in or on animal commodities.

The data submitted and other relevant material have been evaluated. The toxicological data considered in support of the tolerances have been discussed in detail in the **Federal Register** issue of October 13, 1982 (47 FR 45008).

Granting these tolerances will increase the theoretical maximum residue contribution (TMRC) from 0.7197 to 0.9836 mg/day. The percentage of the maximum permissible intake (MPI) used will increase from 23.99 to 32.79 percent.

The metabolism of permethrin is adequately understood and an adequate analytical method, gas liquid chromatography with an electron capture detector, is available for enforcement purposes. No actions are pending against continued registration of permethrin, nor are any other

considerations included in establishing the tolerances.

The tolerances established by amending 40 CFR 180.378 will be adequate to cover secondary residues that would result in eggs, milk; meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep as delineated in 40 CFR 180.6(a)(1).

The pesticide is considered useful for the purpose for which the tolerances are sought. It is concluded that the tolerances would protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, on or before July 22, 1983, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981, (46 FR 24950).

(Sec. 408(e), 68 Stat. 514 (21 U.S.C. 346(a)(e))).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: June 9, 1983.

James M. Conlon,

Acting Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.378 is amended by adding, and alphabetically inserting, the commodities sweet corn and corn fodder and forage to paragraph (b) and increasing the tolerance levels for the listed commodities in paragraph (c) to read as follows:

§ 180.378 Permethrin; tolerances for residues.

* * * * *

(b) * * *

Commodities	Parts per million
* * * * *	
Corn, fodder	60.0
Corn, forage	60.0
Corn, sweet (K + CWHR)	0.1
* * * * *	

(c) * * *

Commodities	Parts per million
Cattle, fat	2.0
Cattle, meat	0.15
Cattle, mbyp	1.0
* * * * *	
Goats, fat	2.0
Goats, meat	0.15
Goats, mbyp	1.0
Hogs, fat	2.0
Hogs, meat	0.15
* * * * *	
Horses, fat	2.0
Horses, meat	0.15
Horses mbyp	1.0
Milkfat (reflecting 0.15 ppm in whole milk)	3.75
* * * * *	
Sheep, fat	2.0
Sheep, meat	0.15
Sheep, mbyp	1.0

[FR Doc. 83-16137 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 2F2595/R419A; PH-FRL 2382-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; 3-(3,5-Dichlorophenyl)-5-Ethenyl-5-Methyl-2,4-Oxazolidinedione; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule; correction.

SUMMARY: This document corrects a regulation that established a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its metabolites in or on the raw agricultural commodity lettuce. The regulation was requested in a petition submitted by BASF Wyandotte Corporation.

EFFECTIVE DATE: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Environmental Protection Agency, Rm. 227, CM# 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–1900).

SUPPLEMENTARY INFORMATION: In the FR Doc. 82–23837, published in the **Federal Register** of September 1, 1982 (47 FR 38533), EPA established a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione and its 3,5-dichloroaniline moiety-containing metabolites in or on the raw agricultural commodity lettuce.

In listing the commodity the word "head" was omitted from the regulation. This correction specifies the type of lettuce for which the tolerance was requested and established.

Dated: June 9, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.380 is amended by adding the word "head" following the entry "lettuce" to read as follows:

§ 180.380 3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione; tolerances for residues.

* * * * *

Commodities	Parts per million
* * * * *	
Lettuce, head	10.0
* * * * *	

[FR Doc. 83-16285 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 180

[PP 3F2798/R550A; PH-FRL 2384-6]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Nomate-Blockade ™ Boll Weevil Aggregation Stimulant; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Rule; correction.

SUMMARY: This rule related notice corrects the chemical statement of the regulation exempting from the requirement of a tolerance the plant volatile/pheromone Nomate-Blockade™ when used on cotton as a cotton boll weevil aggregation stimulant. The regulation was requested in a petition submitted by the Albany International.

EFFECTIVE DATE: Effective on April 13, 1983.

FOR FURTHER INFORMATION CONTACT: Tim Gardner, Product Manager (PM) 17, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 207, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703–557–2690).

SUPPLEMENTARY INFORMATION: In the FR Doc. 83–9085, published in the Federal Register of April 13, 1983 (48 FR 15901), EPA established a regulation exempting from the requirement of a tolerance the plant volatiles/pheromone Nomate-Blockade™ containing the plant volatiles combination cyclic dexadiene, cyclic decene, cyclic pentadecatriene, and decatriene and the pheromone Z-2-iso-propenyl-1-methylcyclobutane ethanol; Z-3, 3-dimethyl-1 $^1\beta$,-cyclohexane ethanol; Z-3, 3-dimethyl-Δ^1-cyclohexane ethanal; E-3, 3-dimethyl-Δ^1-cyclohexane ethanol when used on cotton as a cotton boll weevil aggregation stimulant.

Corrections to the document are made as follows:

1. The chemical statement of the pheromone group is corrected, where appearing in the document, to read "Z-2-isopropenyl-1-methylcyclobutaneethanol; Z-3,3-dimethyl-Δ^1,β-cyclohexaneethanol; Z-3,3-dimethyl-Δ^1,α-cyclohexaneethanal; E-3,3-dimethyl-Δ^1,α-cyclohexaneethanal".

2. The active ingredient "Cyclic Dexadiene" of the plant volatile group is corrected, where appearing in the document to read "cyclic decadiene".

3. Under the **SUPPLEMENTARY INFORMATION,** page 15902, first column, the sentence beginning on line 9 is corrected to read "The pheromone acts as an attractant which aggregates cotton boll weevils."

Dated: June 14, 1983.

Edwin L. Johnson,

Director, Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180.1080 is revised to read as follows:

§ 180.1080 Plant volatiles and pheromone; exemptions from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the plant volatiles cyclic decadiene, cyclic decene, cyclic pentadecatriene, and decatriene and the pheromone Z-2-isopropenyl-1-methylcyclobutaneethanol; Z-3,3-dimethyl-Δ^1,β-cyclohexaneethanol; Z-3,3-dimethyl-Δ^1,α-cyclohexaneethanal; E-3,3-dimethyl-Δ^1,α-cyclohexaneethanal combination when applied to cotton in hollor synthetic fibers.

[FR Doc. 83–16539 Filed 6-21-83; 8:45 am]
BILLING CODE 6560-50-M

40 CFR Part 180

[PP 0F2331, 8E2100/R569; PH-FRL 2384-8]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Imazalil

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the combined residues of the fungicide imazalil and its metabolites in or on certain raw agricultural commodities. This regulation to establish maximum permissible levels for the combined residues of imazalil and its metabolites in or on the commodities was requested, pursuant to petitions, by Janssen R&D, Inc.

EFFECTIVE DATE: Effective on June 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Henry M. Jacoby, Product Manager (PM) 21, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Room 227, CM #2, 1921 Jefferson Davis Highway, Arlington, Va. 22202 (703–557–1900).

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the Federal Register of April 22, 1980 (45 FR 27010), which announced that Janssen R&D, Inc., 501 George St., New Brunswick, NJ 08903 had submitted pesticide petition 0F2331 to the Agency proposing to amend 40 CFR Part 180 by establishing tolerances for the combined residues of the fungicide imazalil 1-[2-(2,4-dichlorophenyl-2-(2-propenyloxy)ethyl]-1H-imidazole and its metabolite 1-(2,4-dichlorophenyl)-2-(1H-imidazole-1-yl)-1-ethanol resulting from postharvest application in or on the crop grouping citrus fruit at 10.0 parts per million (ppm) (of which no more than 0.2 ppm is in edible pulp). The petition was subsequently amended (47 FR 6091; February 10, 1982) by adding the metabolites 1-(2,4-dichlorophenyl)-1H-imidazole-1-ethanol and 3-(1-(2,4-dichlorophenyl-2-(1H-imidazole-1-yl) ethoxyl))-1,2-propane diol in the raw agricultural commodities meat (except liver), fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.04 ppm; the liver of cattle, goats, hogs, horses and sheep at 0.80 ppm; and milk at 0.04 ppm. The petition was further amended (47 FR 57127; December 22, 1982) by decreasing the tolerance levels for meat (except liver), fat, meat byproducts of cattle, goats, hogs, horses, and sheep from 0.04 to 0.01 ppm; liver of cattle, goats, hogs, horses, and sheep from 0.80 to 0.50 ppm; and milk from 0.04 to 0.01 ppm.

A notice was published in the Federal Register of January 27, 1982 (47 FR 3876) which announced that Janssen R&D, Inc. had submitted pesticide petition 8E2100 to the Agency proposing that 40 CFR Part 180 be amended by establishing a tolerance for combined residues of the fungicide imazalil and its metabolites in or on bananas (whole) at 2.0 ppm of which no more than 0.2 is in the edible pulp. The petition wan subsequently amended (47 FR 57127; December 22, 1982) by increasing the tolerance level in or on bananas (whole) from 2.0 ppm to 3.0 ppm of which no more than 0.2 ppm is in the edible pulp.

There were no comments received in response to the above notices of filing.

The data submitted in these petitions and other relevant material have been evaluated. The scientific data considered in support of these tolerances included a 2-year rat chronic feeding study with a NOEL of 3 mg/kg (male) and 3.8 mg/kg (female); a mouse oncogenicity study with a oncogenic NOEL of 40 mg/kg (highest dose tested) and negative for oncogenic effect under the conditions of the study; a rat oncogenicity study with oncogenic NOEL's (the highest doses tested) of 24 mg/kg (male) and 28.8 mg/kg (female) and negative for oncogenic effects under the conditions of study; a 2-year dog chronic feeding study with a NOEL of 1.25 mg/kg; a 3-generation rat reproduction study with a NOEL of 800 ppm (40 mg/kg/day) (highest dose tested); a rat teratology study with a NOEL of 800 ppm (40 mg/kg/day) (highest dose tested); and a dominant lethal mutagenicity study in the mouse negative at 160 mg/kg (highest dose tested).

A teratology study in the second species has not been submitted to the Agency.

The acceptable daily intake (ADI), based on the 2-year dog chronic feeding study (NOEL of 1.25 mg/kg) and using a 100-fold safety factor is calculated to be 0.0125 mg/kg/day. The maximum permissible intake (MPI) for a 60 kg human is calculated to be 0.7500 mg/kg.

These tolerances result in a theoretical maximum residue contribution (TMRC) of 0.0330 mg/day (1.5 kg) for a 60 kg person and will utilize 4.40% of the ADI. A related document (FAP 0H5254) establishing food and feed additive regulations in or on citrus oil and pulp appears elsewhere in this issue of the **Federal Register.**

There are no regulatory actions pending against the continued registration of imazalil and there are no other considerations involved in establishing these tolerances. The metabolism of imazalil and its metabolite is adequately understood, and an adequate analytical method, gas chromatography, is available for enforcement purposes.

The pesticide is considered useful for the purpose for which the tolerances are sought and it is concluded that the establishment of the tolerances will protect the public health and are established as set forth below.

Any person adversely affected by this regulation may, on or before July 22, 1983, file written objections with the Hearing Clerk at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances, or raising tolerance levels, or establishing exemptions from tolerance requirements do not have a significant impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1982 (46 FR 24950).

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 364a(d)(2))

List of Subjects in 40 CFR Part 180

Administrative practice and procedures, Raw agricultural commodities, Pesticides and pests.

Dated: June 10, 1983.

James M. Conlon,

Acting Director Office of Pesticide Programs.

PART 180—[AMENDED]

Therefore, 40 CFR 180 is amended by adding a new § 180.413 to read as follows:

§ 180.413 Imazalil; tolerances for residues.

(a) Tolerances are established for the combined residues of the fungicide imazalil 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1*H*-imidazole and its metabolite 1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)-1-ethanol in or on the following raw agricultural commodities:

Commodities	Parts per million
Bananas (Whole)	3.00
Bananas (Pulp)	0.20
Citrus fruit	10.00

(b) Tolerances are established for the combined residues of the fungicide imazalil 1-[2-(2,4-dichlorophenyl)-2-(2-propenyloxy)ethyl]-1*H*-imidazole and its metabolites 1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)-1-ethanol and 3-[1-(2,4-dichlorophenyl)-2-(1*H*-imidazole-1-yl)ethoxyl]-1,2-propane diol in or on the following raw agricultural commodities:

Commodities	Parts per million
Cattle, fat	0.01
Cattle, liver	0.50
Cattle, meat	0.01
Cattle, mbyp	0.01
Goats, fat	0.01
Goats, liver	0.50
Goats, meat	0.01
Goats, mbyp	0.01
Hogs, fat	0.01
Hogs, liver	0.50
Hogs, meat	0.01
Hogs, mbyp	0.01
Horses, fat	0.01
Horses, liver	0.50
Horses, meat	0.01
Horses, mbyp	0.01
Milk	0.01
Sheep, fat	0.01
Sheep, liver	0.50
Sheep, meat	0.01
Sheep, mbyp	0.01

[FR Doc. 83-16538 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 712

[OPTS-82004N, TSH FRL 2387-4]

Chemical Information Rules; Preliminary Assessment Information—Manufacturer's Reporting Addition of Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is adding five chemicals to the Toxic Substances Control Act section 8(a) Preliminary Assessment Information rule. The five chemicals were recommended by the Interagency Testing Committee (ITC) in its Twelfth Report and designated for priority consideration by EPA within one year. An amendment to the Preliminary Assessment Information rule promulgated on May 11, 1983 (48 FR 21294) provides that chemical substances and designated mixtures that have been recommended for testing by the ITC and designated for 12-month response may be made subject to the rule by the publication of an amendment to that effect in the **Federal Register.** Thirty days after the publication of this amendment to the regulation, these chemicals will become subject to 40 CFR Part 712. Manufacturers of these chemicals will then have 60 days to submit a completed Preliminary Assessment Information report (EPA Form 7710-35) for each plant site at which they manufacture or import one of these five chemicals.

EFFECTIVE DATE: This regulation becomes effective on July 22, 1983.

FOR FURTHER INFORMATION CONTACT: For further information on this rule, or to obtain copies of the Preliminary Assessment Information—Manufacturer's Report (EPA Form No. 7710-35), contact: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511B, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065). In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: OMB Control Number 2000-0420.

I. Introduction

EPA issued the Preliminary Assessment Information rule, published in the **Federal Register** of June 22, 1982 (47 FR 26992), for reporting by chemical manufacturers. Those companies which manufactured, produced, or imported one of the approximately 250 chemical substances listed were to report general production, use, and exposure data to the Agency by November 19, 1982. An amendment to the rule published in the **Federal Register** of May 11, 1983, (48 FR 21294), added 40 CFR 712.30(c) which provides that chemicals designated by the Interagency Testing Committee may be subject to the rule by the publication of a regulation to that effect in the **Federal Register.** Today's final rule uses the authority of 40 CFR 712.30(c) to add

five chemicals to the list for reporting of preliminary assessment information.

On June 1, 1983, the Agency issued a notice in the **Federal Register** (48 FR 24443) announcing the receipt of the Interagency Testing Committee's Twelfth Report. The Twelfth Report, which revises and updates the Committee's priority list of chemicals, adds five chemicals to the list for priority consideration by EPA in the promulgation of test rules under section 4(a) of TSCA and designates each of them for response by EPA within 12 months. In addition to adding the five chemicals designated by the ITC to the section 8(a) Preliminary Assessment Information rule, the Agency is also adding these chemicals to the list of substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of TSCA).

II. Chemicals To Be Added

The five ITC chemicals for which reporting is required under section 8(a) are as follows:

Chemical substances	CAS Nos.
Calcium naphthenate	61789-36-4
Cobalt naphthenate	61789-51-3
Lead naphthenate	61790-14-5
Methylolurea	1000-82-4
2-Phenoxyethanol	122-99-6

III. Reporting Required

A Preliminary Assessment Information report (EPA Form No. 7710-35) must be submitted for each importing or manufacturing site which produces a subject chemical substance. A separate form must be completed for each chemical and submitted to the Agency no later than September 20, 1983.

Manufacturers who qualify as small with respect to the previously prescribed standards are exempt from this rule (see 40 CFR 712.25(c)).

Under § 712.30(a)(3) of the Preliminary Assessment Information rule, a company which has voluntarily submitted a Manufacturer's Report to the ITC will be allowed to submit a copy of the original Report to EPA. Also under § 712.30(a)(3), persons who previously and voluntarily provided EPA with a Manufacturer's Report on one of the five substances listed today in § 712.30(h) must notify EPA by letter of their desire to have this submission accepted in lieu of a current data submission and must follow all other procedures outlined in that section.

Any person who believes that reporting on a chemical is unnecessary should promptly submit to the Agency its reasons in detail for that belief. The chemical may then be removed from the rule at the Agency's discretion, for good cause. When withdrawing a chemical from the rule, the Agency will issue a rule amendment for publication in the **Federal Register**.

IV. Release of Aggregate Data

The Agency will follow the procedures for release of aggregate data and requesting exemptions from release of aggregate statistics as prescribed in the recently issued Rule Related Notice (June 13, 1983; 48 FR 27041). Requests for exemptions from release of aggregate data for any substance must be received by EPA no later than September 20, 1983.

V. Economic Impact

Employing the analysis prepared for the Preliminary Assessment Information rule promulgated on June 22, 1982, as well as other relevant data, the Agency has estimated the impact of the addition of these chemicals on the firms that must report and upon the Agency in terms of data processing costs.

These costs for reporting are broken down as follows:

Reporting Cost—

(a) 39 reports expected at $520/report	$20,280
(b) 27 sites which must become familiar with the rule	15,930
Total	36,210
Average cost per site	1,341
Average cost per firm	2,130

Reporting Burden—

(a) familiarization (18 hours times 27 sites)	486
(b) reporting (16 hours times 39 reports)	624
Total	1,110 hours
Average burden-hours/site	41
Average burden-hours/firm	65

EPA Cost—

Processing Cost = $80/report times 39 reports = $3,120

The figures presented above are the net number of manufacturers, sites and reports we expect after excluding small manufacturers. The exemption for small manufacturers reduces the cost and reporting burden by approximately 22%.

VI. Rulemaking Record

The public record for this rulemaking is a continuation of the record (OPTS-82004) for the Preliminary Assessment Information rule published in the **Federal Register** of June 22, 1982 (47 FR 26992). All documents, including the index to this public record, are available for inspection in the OPTS Reading Room from 8:00 to 4:00 p.m. Monday through Friday excluding legal holiday in Rm. E-107, 401 M St., SW., Washington, D.C. 20460. This record includes basic information considered in developing this rule.

VII. Paperwork Reduction Act

The reporting provisions of the final section 8(a) Preliminary Assessment Information rule and the automatic reporting provision have been approved by the Office of Management and Budget (OMB) and given the control number 2000-0420.

VIII. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not result in an effect on the economy of $100 million or more, an increase in costs or prices, or any of the adverse effects described in the Executive Order.

This amendment was not submitted to the Office of Management and Budget (OMB) for review, because the automatic listing of designated substances is provided for in 40 CFR 712.30(c)—a final rule which has been previously reviewed by OMB under the terms of the Executive Order.

List of Subjects in 40 CFR Part 712

Chemicals, Environmental protection, Reporting and recordkeeping requirements.

(Sec. 8(a), Pub. L. 94-469, 90 Stat. 2003 (15 U.S.C. 2607(a)))

Dated: June 14, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 712—[AMENDED]

Therefore, 40 CFR Part 712 is amended by adding § 712.30(h) to read as follows:

§ 712.30 Chemical lists and reporting periods.

* * * * *

(h) A Preliminary Assessment Information Manufacturer's Report must be submitted by September 20, 1983 for each chemical substance listed below.

CAS No.	Chemical name
122-99-6	2-Phenoxyethanol.
1000-82-4	Methylolurea.
61789-36-4	Calcium naphthenate.
61789-51-3	Cobalt naphthenate.
61790-14-5	Lead naphthenate.

[FR Doc. 83-16693 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 73

[BC Docket No. 82-536; FCC 83-154]

FM Licensees; Amendment of the Commission's Rules Concerning Use of Subsidiary Communications Authorizations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action adopts revisions of the Commission's Rules that allow FM licensees to operate subcarrier services on a 24-hour-per-day basis and to use subcarriers to transmit material of a non-broadcast, as well as broadcast, nature. These amendments are necessary to permit broadcast licensees to offer additional types of communications services. Technical amendments increase the upper limit restricting the instantaneous sidebands of SCA subcarriers in the FM baseband from the present maximum of 75 kHz to a maximum of 99 kHz. The technical amendments also remove the requirement that only frequency modulated subcarriers be transmitted. Licensees will no longer be required to file subcarrier applications (Form 318) and will not be required to maintain subcarrier program logs.

EFFECTIVE DATE: July 22, 1983.

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

FOR FURTHER INFORMATION CONTACT: Brian F. Fontes, Mass Media Bureau (202) 632-6302.

List of Subjects

47 CFR Part 2

Radio.

47 CFR Part 73

Radio broadcasting.

First Report and Order

In the matter of amendment of Parts 2 and 73 of the Commission's rules concerning use of subsidiary communications authorizations; BC Docket No. 82-536.

Adopted: April 7, 1983.
Released: May 19, 1983.

By the Commission: Commissioner Fogarty absent.

I. Introduction

1. On August 4, 1982, the Commission adopted a *Notice of Proposed Rule Making* ("*Notice*") which set forth proposed amendments of Parts 2 and 73 of the Commission's Rules concerning use of the subsidiary communications authorizations (SCA).[1] The Commission issued the *Notice* to determine whether the restrictions imposed by our rules have artificially limited the use of subcarriers, and thereby caused this available resource to remain underutilized.

2. The *Notice* contained non-technical, technical and procedural proposals. The non-technical proposals were: to abolish the current requirement that subcarriers be used only for transmitting material that is of a "broadcast nature;" and to permit subcarrier operation on a 24-hour basis regardless of whether the main channel is on-the-air. The technical proposals were: to increase the upper limit restricting the instantaneous sidebands of subcarriers in the FM baseband from the present maximum of 75 kHz to a maximum of 99 kHz; increase the maximum modulation deviation for FM broadcast stations when using subcarriers; and remove the requirement that only frequency modulated subcarriers be transmitted. Finally, two proposals were made in the procedural category to: eliminate the program log requirements for subcarriers; and eliminate the requirement for a formal subcarrier application (Form 318).

II. Analysis of the Record

A. Comments on Non-technical Proposals [2]

3. The majority of the commenting parties favor allowing non-broadcast uses of FM subcarriers, but their attention focuses on the issue of how services that resemble traditional common carrier services, like paging, should be regulated.[3]

4. More specifically, National Public Radio ("NPR") believes that imposing common carrier regulation on FM subscarriers used for paging services is neither appropriate nor necessary. It argues that FM licensees would continue to be regulated under Title III of the Communications Act. It sees subcarrier use as "ancillary" to the operation of the existing FM broadcast station and asserts that the licensee must remain responsible for the material transmitted on the subcarrier. The test for common carriage, according to NPR, was articulated in *National Association of Regulatory Utility Commissioners* v. *F.C.C.*, 525 F. 2d 630 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 992 (1976) (hereinafter referred to as *"NARUC I"*). The Court therein set forth a two pronged test of whether a communications service should be considered common carriage: whether there is a legal compulsion to serve the public; and whether there is an "indifferent holding out to the eligible user public." NPR contends that subcarrier offerings are new and untried, will be subject to vigorous marketplace forces, and will only be used at the discretion of the licensee. Thus, there is no compelling reason why an FM licensee must use its subcarrier or serve to make its facilities available to the public at large.

5. NPR does note that the Communications Amendments Act of 1982, may have altered the *NARUC I* test at least for common carrier land mobile services.[4] NPR argues that any new standard applies only to "mobile services," that are defined as services "carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes both one-way and two-way radio communications services." [5] NPR argues that "notwithstanding any provision of a paging service that may fall within this definition, the broadcaster's offer of a subcarrier facility to an operator cannot conceivably be deemed to be engaging thereby in the provision of a mobile radio service * * *." Furthermore, in its reply comments, NPR argues that the 1982 amendment conferred maximum discretion on the Commission in determining whether a service is common carriage and whether and how it should be regulated. According to NPR, suppliers of facilities—as distinct from services—are not common carriers.

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[1] 47 FR 46118 (1982).

[2] Several parties were concerned with providing protection for radio reading services because they fear that nonprofit organizations are unable to compete in the economic marketplace with commercial ventures seeking access to FM subcarriers. For the most part, radio reading services are provided on noncommercial FM stations. Under these circumstances, on November 4, 1982, the Commission issued a public notice stating that the Reports and Orders in BC Docket Nos. 82-536 and 82-1, the proceeding proposing authorization of commercial use of subcarriers for public broadcasters, would be considered concurrently. Thus, the comments on the radio reading service issue that were filed in this proceeding are considered and resolved in the companion *Report and Order* in BC Docket No. 82-1 adopted this date.

[3] Reply comments for the FM SCA paging issue were extended from November 17, 1982 to January 16, 1983. *Order Extending Time for Filing Comments to Notice of Proposed Rule Making*, BC Docket No. 82-536, released October 7, 1982.

[4] Pub. L. No. 97-259, 96 Stat. 1087 (codified at 47 U.S.C. 331, *et. seq.*).

[5] Pub. L. No. 97-259, Section 120(b)(2), 96 Stat. 1097.

It cites a recent Commission action that concluded that entities that hold out services and equipment to others were not themselves offering a communications service, thus requiring regulation as common carriers.[6] Based on the above, NPR concludes that offerers of subcarriers are simply providing a facility to others, and not a service. Therefore, they are not engaging in common carriage.

6. Similarly, National Radio Broadcasters Association ("NRBA") argues that FM licensees would be offering paging services on a selective, rather than an indiscriminate basis. Moreover, NRBA argues that in adopting the new Section 331, Congress determined that private land mobile services, including paging services, should not be governed by common carrier regulations. Some parties, such as the National Association of Broadcasters ("NAB"), the Joint Reply Comments of FM Radio Broadcast Licensees, and American Broadcasting Companies, Inc. ("ABC") dismiss as being without merit the argument that FM licensees providing subcarriers for paging operators should be regulated as radio common carriers. Broadcast licensees, as required under Section 74.295 of the Commission's rules, are "to retain control over all material transmitted over the station's facilities with the right to reject any material which it deems inappropriate or undesirable." ABC argues that this rule distinguishes FM licensees from common carriers—the latter have no influence over the content of transmissions.

7. On the other side of the issue, the National Association of Business and Educational Radio, Inc. ("NABER") supports elimination of the subcarrier restrictions, but it proposes that all subcarriers used for the provision of land mobile services should be subject to the licensing requirements of either private or common carrier services, depending upon the functional nature of the proposed system. NABER contends that the provision of paging and other land mobile services are wholly outside the bounds of broadcast authorization, and the Commission routinely requires other entities to obtain a specific authorization to provide such services. Accordingly to NABER, the legislative history of the Communications Amendments Act of 1982 indicates that the *NARUC* test of common carriage has been superseded by the newly formulated definition. NABER contends that the newly enacted legislation regards the activity in which the specific party is functionally engaged as dispositive. NABER states that paging services are unequivocably defined as a mobile service. NABER concludes that the Commission should make subcarrier allocations available for uses other than broadcast, but it proposes that these allocations be made available to users of private land mobile radio as a whole, and not be limited to broadcast entities.

8. L&L Services, Inc., Common Wealth Telecommunications, Inc., AT&T and Metromedia believe traditional radio common carriers would be prejudiced because FM subcarrier paging services would not be regulated while paging services classified as radio common carriers are regulated. They argue that paging services utilizing FM subcarriers must be subject to the same state and federal regulatory treatment as is applied to existing radio common carrier paging services.

9. MCI Airsignal, Inc., also raises the question of competitive inequality due to technical facility differences between radio common carriers and FM stations. Because of these differences, MCI Airsignal argues that subcarriers pagers would cover an area many times larger than traditional radio common carriers. MCI Airsignal recommends that the Commission establish a new service (highpower paging), and permit only broadcasters or their designees to apply for licenses in that service. MCI Airsignal argues that the paging service that would be provided over FM subcarriers should be no different from the paging service provided over an allocated paging channel insofar as Title II of the Communications Act is concerned.

10. The Amaturo Group, Inc. expresses concern that the exemption of non-broadcast subcarrier paging services from common carrier regulation would generate legal controversies that could delay the implementation of a beneficial new public service. Current Commission rules provide significant distinctions between common carrier and non-common carrier paging services in terms of the permissible methods of interconnection with the public switched telephone network (PSTN). Thus, Amaturo suggests that the Commission allow the licensee of an FM broadcast subcarrier providing paging services to elect whether to provide a common-carrier or a non-common carrier service. Licensees opting to operate as common carriers would be subject to all pertinent rules found in Part 22 of the Commission's regulations.[7] Licensees opting to provide non-common carrier services on their subcarriers would be subject to the pertinent regulations found in Part 90 of the Commission's rules regarding private radio services.[8]

11. Telocator Network of America (Telocator) contends that the existence of a competitive marketplace in paging will assure that service offerings will exhibit economic "indifference" and, hence will constitute common carriage. Additionally, Telocator believes that the courts have explicitly and repeatedly recognized that the concept of common carriage is embedded in the Communications Act, and that concept is relatively objective and not affected by the underlying character of the facilities or their use for other purposes. Telocator concludes that if the subcarrier use meets the objective legal test of common carriage, it may not be considered otherwise.

12. Telocator also argues that common carrier status is not changed by the proposed requirement that the broadcast station licensee retain control over all material transmitted over the station's facilities. According to Telocator, such control is unrealistic since paging service is a real-time service, simultaneous transmission of voice over the airwaves to the paging receiver. Under these circumstances, Telocator does not believe that the concept of "content control" could have any basis in reality. Moreover, Telocator contends that content control over subcarriers used for paging is an apparent violation of §605 of the Communications Act.[9] For paging services, the sender is neither the FM licensee nor the paging service subscriber, but rather is the person desiring to contact the paging service

[6] *Cooperative Use and Multiple Licensing of Stations in the Private Land Mobile Radio Services*, 89 F.C.C. 2d 786, 773–74 (1982).

[7] For example, licensees who elect common carrier regulation would be subject to the provisions covering eligibility, annual reporting requirements, maintenance requirements, operator requirements, permissible communications, priorities of service, station identification, discontinuances of service, tariffs, and state regulations which govern common carrier paging operations.

[8] For example, non-common carrier paging operations on SCA subcarriers would be subject to the provisions in Part 90 of the rules regarding eligibility, permissible communications, methods of interconnection, operator requirements, cooperative use provisions, station record requirements, transmitter control provisions and interconnection restrictions that pertain to "private" radio paging operations.

[9] With the exception of transmissions intended for the general public, distress calls or amateur and citizens band calls § 605 provides that "No person not being authorized by the sender shall intercept any radio communication and divulge or publish the existence, contents, substance, purport, effect, or meaning of such intercepted communication to any person."

subscriber. Therefore, by statute, FM licensees would not be able to exercise the right of control over paging services utilizing subcarrier's. However, Telocator argues that, if the Commission decides to permit non-broadcast uses of subcarriers, the more traditional use "of a broadcast nature" should still retain a priority, and should be permitted to "bump" non-broadcast uses.

13. Telocator also contends that FM subcarriers are not a spectrum efficient means of providing paging services, as compared with the transmission facilities now licensed for common carrier use. Telocator argues that in a particular area, an FM broadcast station "occupies" 1400 kHz of spectrum, the station's 200 kHz channel plus the three upper and three lower adjacent channels. Telocator then evaluates the spectrum use efficiency of the FM station using a 79 kHz subcarrier baseband range as the percentage ratio of 79/1400 for approximately 6%. According to Telocator, the proposed subcarrier baseband extension from 75 to 99 kHz would realize only an increased spectrum efficiency of about 2%. Telocator then argues that diverting the FM broadcast spectrum to non-broadcast subcarrier services must be discussed in relationship to the Commission's ongoing proceeding in BC Docket No. 80-90. This, Telocator claims, would permit a much more efficient use of the FM spectrum by permitting FM stations to be licensed to serve vast areas of land now reserved for stations operating with less than maximum power for their class and by decreasing the distance separation between stations of certain classes.

B. Discussion of Non-Technical Proposals

14. Upon review of the entire record in this proceeding, we believe that the permissible use of FM subchannels should be expanded to include non-broadcast as well as broadcast-related material. Moreover, subchannel use should not be limited to times when the main channel is on the air. Those commenters that opposed non-broadcast related subchannel use did so on grounds that it would unfairly compete with other communications services. We are aware of this situation, and, to the extent practical, we have endeavored to create an environment whereby such competing services would be treated in an evenhanded manner by the Commission.

15. In changing our rules to authorize non-broadcast related uses of FM subchannels, we are particularly impressed with the potential for additional communications services without the need for additional allocations of valuable spectrum. As we indicated in the *Notice*, subcarriers become available when FM stations utilize multiplex techniques to divide the usable spectrum into main and subchannels. Although the intelligence carried on a subchannel is not necessarily related to the main channel, the subchannel itself is part and parcel of the bandwidth each FM station is authorized to use. Thus, channels of communication are available and can be used only if an FM licensee choose to do so. However, we found that substantial portions of the spectrum available for subchannels were unused. To the extent that this situation was a result of Commission rules that unduly restricted subchannel usage, this otherwise available spectrum was being wasted. Elimination of such restrictions would permit the beneficial use of these subchannels, potentially eliminating waste. Using spectrum that was originally allocated to the FM service, licensees may provide additional communications service, without materially affecting the provision of their main channel programing. Such efficient use of the spectrum can only inure to the benefit of the public in general.[10]

16. In this regard, we note that there is a present and growing demand for additional spectrum to provide the same type of services that could be rendered on FM subchannels without disturbing the primary allocation of the FM broadcast band. For example, in General Docket No. 80-183, the Commission received estimates of future demand for paging services and allocated forty additional paging channels each for private and common carrier systems. *Paging Systems-DPLMRS*, 89 FCC 2d 1337 (1982); see also, *Notice of Proposed Rule Making* (Gen. Docket No. 80-183), 45 FR 32013 (May 15, 1980). However, Telocator, among other commenters in that proceeding, argued that additional spectrum would be necessary to meet anticipated demand for paging. *Paging Systems-DPLMRS, supra* at 1338. FM subchannels could, to some extent, alleviate those spectrum demands for future paging needs.

17. Therefore, we will change our rules to permit the use of FM subchannels for broadcast and non-broadcast related purposes. The commenting parties have provided no information to indicate that such expansion of permissible use would be inconsistent with the continued provision of quality, or even enhanced, FM service to the general public. Indeed, some parties have opined that the use of subchannels for commercial purposes could provide needed financing to marginal failing stations, thus preserving the service for which the license was orginally granted.

18. By authorizing materials of a non-broadcast nature to be transmitted over FM subchannels, stations will be permitted to engage in service to the public at large, limited segments of the public with special interests, individual firms, organizations, and persons. Examples of such services include: paging, distribution of inventory, price and delivery information by businesses, bus dispatching for local and regional transportation and police communication to all substations. This broad authorization allows licensees to realize the most efficient and effective use of the FM baseband by providing a wide variety of subcarrier services. However, such services may be offered in direct competition with other, non-broadcast, radio licensees. Many commenters were concerned that competition from an FM subchannel would place them at an unfair disadvantage by virtue of the Commission's mode of regulation of the FM licensee and its subchannel use.

19. In this regard, we need not concern ourselves with the provision of "broadcast-related" services on a subchannel. Subcarriers used to enhance main channel programming with stereo or quadraphonic sound, those used for station cuing, control and meter reading, and the provision of "narrowcasting" services such as functional music (Muzak), radio reading services, foreign language programming and various informational and instructional programming are broadcast related, and provision of such services does not raise any new issues of appropriate regulation.

20. However, other subchannel uses may be akin to services being provided

[10] Telocator argue that FM SCA's are an inefficient use of spectrum and even the expanded baseband will not substantially improve the efficiency of an FM station's spectrum usage. That FM stations "occupy" more spectrum than some common carrier stations is a reflection of the signal quality of their primary broadcast service. This should not prevent us from permitting greater efficiencies within the allocated FM bandwidth. Thus, under the changes adopted herein, an FM station could utilize semi-discrete quadraphonic broadcasting to enhance its entertainment programming to its general audience; provide radio reading service on a subchannel to serve the visually handicapped; permit the more efficient operation of a utility company through utility load management services to the benefit of the utility's customers and energy conservation; and provide paging services to those that desire such specialized communications services. All of these services could be provided in the same spectrum that was originally allocated for monophonic FM.

by licensees in the private radio services and/or the common carrier services. With regard to such services that may to some extent be substitutable for services of licensees in the private radio and/or common carrier services, we are sensitive to the concerns of the commenters that like services be treated equally by the Commission. Therefore, the changes we are adopting today will insure that, where such considerations of equity apply, FM subchannels used for non-broadcast related communications will be treated by this Commission in the same manner, with all the same benefits, obligations and responsibilities as the providers of similar services. Thus, with regard to non-broadcast related uses of FM subchannels, it will be necessary to determine whether the service offered constitutes private or common carriage under the applicable statutes and case law.

21. In *NARUC I*, the Court specifically stated that a carrier will not be considered a common carrier where its practice is to make individualized decisions, in particular cases, whether and on what terms to deal. 525 F. 2d 630 at 641 (D.C. Cir. 1976), *cert. denied*, 425 U.S. 922 (1976) The Court stressed that a company's clientele was not necessarily dispositive of the issue since common carriers in particular situations need not serve the entire public and private carriers may serve a significant portion of the population. The Court then reasoned that:

> Since given private and common carriers may therefore be indistinguishable in terms of the clientele actually served, it is difficult to envision a sensible line between them which does not turn on the manner and terms by which they approach and deal with their customers. *Id.* at 642.

Assuming that no legal compulsion is present that requires an entity to offer its services on an indiscriminate basis, the Court indicated that a finding of common carrier status would turn on whether a particular entity actually operates as a common carrier, that is, whether the carrier "undertakes to carry for all people indifferently."

22. The Court then listed several factors indicative of whether the service offerings of a particular carrier could indeed be classified as common carriage. The establishment of medium-to-long contractual relationships with customers was considered inconsistent with the concept of an indifferent holding out. The Court stated that a private carrier could be expected to serve a relatively stable clientele, with terminations and new clients the exception rather than the rule. Not holding out facilities indifferently would mean that the service provider would desire and expect to negotiate with and select future clients on a highly individualized basis. Further, the existing demands for a licensee's spectrum and the licensee's methods of operation may be sound bases for accepting or rejecting an applicant. Thus, a licensee's use of the facilities may make an indifferent holding out inherently impractical or impossible. Such activity would necessarily preclude common carrier classification. 525 F. 2d at 643.

23. However, with regard to land mobile services, the Communications Amendments Act of 1982, Section 120, establishes a demarcation between private and common carrier land mobile services, and indicates that the test contained in the new Section 331(c) of the Communications Act is intended to supersede the *NARUC I* standard. Public Law No. 97–259, 96 Stat. 1087. We agree with the commenters that argue that the test in the new legislation would apply to some of the communications services that could be offered on FM subchannels. The Act defines a "Mobile Service" as "* * * a radio communication service carried on between mobile stations or receivers and land stations, * * *, and includes both one-way and two-way radio communication services." Public Law 97–259 at Section 120(b)(2), 96 Stat. 1097, 47 U.S.C. 153(n). It is clear that potential FM subchannel services such as paging would therefore be governed by the new legislation, and such services will be judged by the test in the new Section 331(c). The new statutory test is based on the manner in which a multiple licensed or shared private land station is interconnected with a telephone exchange or interexchange service or facility.[11] See also, H.R. Rep. No. 765, 97th Congress, 2nd Session, pp. 52–56 (1982).[12] The statute also makes it clear that if it is a private system, it is exempt from state and local regulation. 47 U.S.C. 331(c)(3).

24. Therefore, the determination as to whether a particular service offered on an FM subchannel is private or common carriage will be made in accordance with the *NARUC I* test for all non-broadcast related services except mobile radio. For mobile radio services, the new Section 331(c) standard will govern.

25. Once a licensee has determined that the proposed service is common carriage under the appropriate standard, it must seek authorization to provide that service from the Common Carrier Bureau (and state commissions, as appropriate). Because existing broadcast licensing procedures may not afford the needed mechanism by which necessary Commission determinations related to common carrier service offerings can be made, we will require any licensee intending to provide such services with subcarriers first to seek authorization by filing a suitable request under Parts 21 or 22, as appropriate. *See* 47 CFR Parts 21 and 22. Public notice will be given of each such request received, and a 30-day period will be afforded to all parties wishing to file comments in connection therewith. After considering any comments submitted and the substance of the underlying request, the Commission will issue a decision disposing of the matter. It is our intention that, in seeking such authorizations, the FM subchannel operator will be in the same position, entitled to the same privileges and subject to the same obligations and regulations as a traditional offerer of such services. For example, the Commission has established as a general matter that competition in the provision of certain common carrier services is in the public interest. *See e.g., Specialized Common Carrier Decision*, 29 F.C.C. 2d 870 (1972), *aff'd sub nom. Washington Utilities and Transportation Commission* v. *FCC*, 513 F. 2d 1142 (9th Cir. 1975); *Graphnet Systems, Inc.*, 71 F.C.C. 2d 471 (1979), *aff'd sub nom. Western Union Telegraph Co.* v. *FCC*, 665 F. 2d 1112 (D.C. Cir. 1981); *Paging Systems—DPLMRS*, 89 F.C.C. 2d 1337 (1982); and *MTS and WATS Market Structure*, 81 F.C.C. 2d 177 (1980). Therefore, our policy is that applications to provide common carrier services from qualified applicants will be granted unless there is some basis to believe that such grant "is likely to produce results that conflict with the

[11] New Section 331(c)(1) of the Act provides that "* * * private land mobile service shall include service provided by specialized mobile radio, multiple licensed radio dispatch systems, and all other radio dispatch systems, regardless of whether such service is provided indiscriminately to eligible users on a commercial basis, except that a land station licensed in such service to multiple licensees or otherwise shared by authorized users (other than a nonprofit, cooperative station) shall not be interconnected with a telephone exchange or interexchange service or facility for any purpose, except to the extent that (A) each user obtains such interconnection directly from a duly authorized carrier; or (B) licensees jointly obtain such interconnection directly from a duly-authorized carrier."

[12] The Commission's interpretation of the test in the new legislation will be fully explored in our reconsideration of the *Second Report and Order*, Docket No. 20846, 89 F.C.C. 2d 741 (April 8, 1982), and our treatment of land mobile services herein is expressly subject to the outcome of that proceeding.

goals of the Communications Act." *MTS/WATS, supra* at 200. This policy applies equally to FM subchannel operators proposing to provide these common carrier services.

26. FM broadcast licensees seeking to provide private carrier service on subcarrier facilities must notify the Licensing Division of the Private Radio Bureau at Gettysburg, Pennsylvania, 17325, by letter, prior to initiating service. In the letter, they must certify that their facilities will be used in this regard only for permissible purposes. *See* 47 CFR Parts 90 and 94. When providing land mobile service, they must also certify that service will be offered only to users eligible under Part 90 of the Commission's Rules, and that any interconnection of the station with a telephone exchange or interexchange service or facility will be obtained in accordance with new Section 331 of the Communications Act, *supra*. Such notifications will not give rise to a comment period, and no separate authorization will be issued by the Commission. As in the case of common carrier services, the FM subchannel operator offering a private service will be in the same position, entitled to the same privileges and subject to the same obligations and regulations as a traditional offerer of such services.

27. In all cases, involving either private or common carrier services, the applicant will not be seeking approval for the technical facilities of the FM station or the subchannel. The Commission regards FM subcarrier use as a secondary privilege that runs with the primary FM station license. That right is conferred on the primary station licensee only.[13] In this regard, it should be noted that an FM broadcaster that elects to use a subchannel for private or common carriage remains a broadcaster for all other purposes. Only the use of the subchannel for nonbroadcast related purposes would be regulated in accordance with private radio or common carrier regulations. See, *NARUC* v. *FCC*, 533 F. 2d 610 (D.C. Cir. 1976).

28. We also recognize that there may be situations in which the delivery of services via subcarriers enjoys a competitive advantage over other carriers by virtue of the greater service area of some FM stations. Although several commenting parties alluded to this possibility they chose not to supply the technical information necessary to evaluate it.[14] However, in an article in the March 1983 issue of *Telocator*, Volume 7, No. 3, the engineering firm of Sachs/Freeman Associates, Inc. concluded that existing authorized paging facilities would serve a greater area than subchannels on Class A FM stations, and would serve an area approximately equal to subchannels on a Class B FM station. Only subchannels on a Class C station could materially outperform the traditional paging facilities, but even then, the Class C station would have to be operating with an antenna having a height above average terrain (HAAT) of at least 500 feet.[15] Of approximately 5,000 currently authorized FM stations, only 1,173 are Class C, and only about 20% of those Class C stations are operating at or near maximum facilities.[16] On the basis of the Sachs/Freeman study, it is reasonable to assume that any competitive disadvantage to traditional paging systems would only occur with regard to those Class C stations that exceed the equivalent of 100 kW at 500 feet HAAT.[17] If we were to limit the effective transmitting power of subcarrier service offerers to equal that of competing carriers, we would be diminishing many of the spectrum efficiencies that we hope to obtain through this proceeding. On balance, therefore, we believe that any possible inequity in technical facilities is overshadowed by the public interest benefits to be derived from innovative and spectrum-efficient subcarrier services that are possible under the decision herein. See, 47 U.S.C. 303(g) which provides, *inter alia*, that the Commission should "* * * generally encourage the larger and more effective use of radio in the public interest."

29. Finally, we see no reason to continue to limit subchannel operation to times when the main channel is on the air. When the rule was originally adopted, it was felt that extensive use of subchannels for narrowcasting while the main (broadcast) channel was off the air would subvert the purpose of the spectrum allocation for FM broadcasting. Since that time, we have adopted rules which prescribe minimum hours of operation for FM stations. See Sections 73.1740 and 73.561(a). Moreover, the *Notice* indicated that FM stations considered in this proceeding were on the air an average of 20.2 hours per day. Under these circumstances, there appears to be little danger that extended hours for subchannels would subvert the primary purpose of the FM band. Accordingly, and in the absence of any comments suggesting the contrary, we will eliminate the time restriction on subchannel operation.[18] This action will increase the communications capabilities of FM subchannels by approximately 30 percent. (See *Notice, supra*, at paragraph 16.)

C. Technical Proposals

30. As briefly described earlier, the *Notice* proposed changes in three technical areas. The proposals were:

(a) To increase the upper limit restricting the instantaneous sidebands of subcarriers in the FM baseband from the present maximum of 75 kHz to a maximum of 99 kHz;

(b) To increase the maximum modulation deviation for FM broadcast stations using multiple subcarriers; and

(c) To remove the requirement that only frequency modulated subcarriers be transmitted.

The Commission believed these proposals would expand the capacity for multiple subcarrier services and enhance the flexibility with which subcarriers could be used. We will discuss general comments on the technical proposals first, before turning to the individual proposals.

31. NPR submitted technical data from its experiment with Station WETA–FM demonstrating that the proposals were technically feasible. Bonneville

[13] A licensee may choose to lease its subchannel to an entity that will provide a private or common carriage service. In such cases, the lessee may seek the appropriate authorization, but the primary licensee remains responsible for the technical operation of the transmitting facilities, including the subchannel.

[14] Telocator did allege that an FM subcarrier would cover more area than a traditional paging transmitter by virtue of the higher power limits. This simplistic approach ignores significant factors such as modulation levels, propagation differences due to different spectrum used, etc. Thus it cannot form the basis of any conclusions on the relative coverage areas of existing paging systems and FM subcarriers used for paging.

[15] Class C FM stations are authorized to operate with an antenna height of up to 2000 feet above average terrain.

[16] A study performed in preparation for the *Notice of Proposed Rule Making* in BC Docket No. 80–90 indicated that, of 981 Class C FM stations that were authorized in 1979, only 147 were at or near maximum facilities, and 608 had technical facilities equal to or less than 100 kW effective radiated power with antennas 500 feet HAAT. Applying these proportions to the currently authorized Class C FM stations, only about 450 would exceed the service area of traditional paging stations, only about 235 are at or near maximum facilities.

[17] However, paging systems can expand their coverage areas with multiple transmission facilities. Although such expansion is not without cost, a paging system can thereby provide coverage equal to or better than that provided by a Class C FM station's subcarrier.

[18] In response to the concern of the staff of KMUW concerning station identification procedures for subcarrier operations when no main channel programming is transmitted, the hourly station identification procedures for the main channel would still apply. The identification announcement could be initiated by the transmitter duty operator, or by means of a time clock actuated recorded identification announcement.

International Corporation ("Bonneville") agreed with the experience of NPR stating that the operation of an additional FM subcarrier would present no degradation of the main channel signal. Westinghouse Broadcasting and Cable, Inc. ("Westinghouse"), supplied an engineering report to support its contention that the subcarrier standards may be modified without adversely affecting main channel performance or increasing the potential of interference to adjacent-channel stations. An engineering statement submitted as an appendix to the comments of the Amaturo Group, Inc. also concluded that the proposals should be adopted. The NAB supported the proposals but argued that the Commission has a basic duty to ensure that the expansion of subcarrier uses will in no way jeopardize the technical quality of main channel service.

32. A few commenters suggested that the Commission should conduct additional tests to determine if these proposals are feasible without producing interference. Press Broadcasting submitted an engineering statement indicating that the proposed subcarrier rules could harm reception of short-spaced stations.[19] Press also expressed concern about the potential of certain audio processing techniques to degrade reception and increase the potential for adjacent channel interference.

33. Telocator assumed that the proposals contained in the *Notice* would only permit non-broadcast use of subcarriers. This led it to argue that the Commission could be foreclosed from adopting rules designed to allow the operation of more FM stations if these stations were found to have a harmful impact on non-broadcast subcarrier services.[20] It reasoned that the operation of additional stations would deleteriously affect these services forcing the Commission to abandon its attempts to increase the number of FM stations.

34. Before proceeding to a discussion of each of the three technical proposals, we will address Telocator's more general technical comments. Contrary to Telocator's assumption, the *Notice* did not propose to permit only non-broadcast use of subcarriers. Paragraph 23 of the *Notice* clearly stated that "there is no reasonable basis for differentiating between subcarrier SCA services and subcarriers used to enhance main channel programming."[21] The *Notice* proposed to allow licensees to use subcarriers to provide any desired lawful service. This could be either a broadcast or non-broadcast subcarrier service, or an enhancement of the main channel service (*e.g.* quadraphonic broadcasts, receiver switching, noise reduction commanding signals). In any case, we must point out that subcarrier services are secondary to main channel services and are furnished at the option of the licensee. As such they would not be permitted to preclude the allotment of additional stations.

35. *Expansion of the FM Baseband*—Most of the commenting parties supported expanding the FM baseband available for subcarriers. The proposal was based on information received in response to the Commission's proceeding in Docket No. 21310 exploring the desirability of permitting FM quadraphonic broadcasting.[22] Based on the response of the comments and the technical information before us in the quad proceeding, we believe the upper baseband limit can be increased without causing the radiated signal to exceed the bandwith limitations of the present rules. Therefore, we are expanding the usable subcarrier baseband to permit instantaneous sidebands up to 99 kHz since it was demonstrated to be fully feasible in Docket 21310.

36. The importance of this amendment cannot be underestimated. It will permit stations to offer two or more subcarriers for any legal purpose. One potential subcarrier service mentioned in the *Notice* was that of program enhancement (*i.e.*, quadraphonic programming, pilot signals for receiver and recorder switching). Recognizing that these services have not previously been permitted, we call attention to the Commission's decision in the *Report and Order* in Docket No. 21313 (AM stereophonic broadcasting). There, the Commission found that the public interest did not require the establishment of specific technical standards for the particular service. Similarly, program enhancement services provided by subcarriers shall only be subject to the limitations applicable to all subcarrier transmissions and no technical standards promoting uniformity shall be considered or adopted by the Commission.[23]

37. *Modulation Levels*—ABC, Westinghouse, and Bonneville argue that many FM stations do not provide subcarrier services because of the necessary penalty of reducing the program audio level at the listener's receiver when subcarriers are transmitted.[24] Westinghouse suggested that the overall modulation levels could be extended even further than the 110% limit the Commission proposed. It submitted data to indicate modulation could be as high as 114% when two subcarriers are used and 105% when one subcarrier is used, thereby permitting the main program modulation to reach 95%. The technical comments of both Westinghouse and NPR show that the use of baseband subcarriers up to 99 kHz with total modulation for stereophonic programming and two subcarrier services up to 115% would conform to the occupied radio frequency bandwidth limits given in the Commission's rules.

38. On the other hand, the Consumer Electronics Group of the Electronic Industries Association ("EIA") expressed concern that changing the FM baseband and modulation standards could have an adverse effect on the quality of program reception. In particular, EIA reported it tested one receiver that operated satisfactorily for co-channel and first adjacent channel reception but suffered 3 dB degradation in reception from a second adjacent channel signal having two subcarriers and a total carrier modulation of 110%. Westinghouse did not provide any receiver measurement data to support its proposals while NPR submitted limited tests on a single receiver. It indicated slight degradation in adjacent channel operation.[25] NPR stated that

[19] Short-space stations are those licensed prior to November 16, 1964, that do not meet the minimum distance separations adopted in the *First Report and Order* in Docket No. 14185.

[20] The Commission adopted a *Notice of Proposed Rule Making* in BC Docket No. 80-90 seeking comments on changes in the FM allotment and assignment rules designed to permit the operation of additional stations.

[21] Thus, the proposals in the *Notice* encompassed those being considered in Docket No 21310 (FM quadraphonic broadcasting).

[22] See *Memorandum Opinion and Order and Notice of Proposed Rule Making* in Docket No. 21310 (FCC 80-434, 45 FR 55411, August 20, 1980). This document sought comments on the desirability of amending the broadcast rules to permit FM broadcast stations to transmit a discrete quadraphonic signal. One aspect of this proposal was to permit a subcarrier at 95 kHz at an injection level of 10%. The information received in response indicated fully satisfactory operation with no impact on either main channel signals or those of adjacent channel stations.

[23] This action effectively terminates the proposal under consideration in Docket No. 21310 to specify standards for the transmission of quadraphonic signals. We shall terminate that proceeding without action in the near future to reflect today's actions.

[24] The Commission is well aware of the efforts of many commercial station licensees to produce and maintain competitive loud program signals through the use of multiband audio processors, equalizers, composite clippers, reverberation effects, and similar devices. See *"Radio, the Louder and the Better:" Broadcasting* November 17, 1980; pp 42-48.

[25] NPR's tests used a modified form of a measurement method recently adopted by the

since more tests would be needed to determine the practical effect of the proposed modulation rules as subcarriers are added, it will continue its test program in an effort to document the state of the art in FM subcarrier transmission.

39. Based on the foregoing, we will not increase the modulation limit at this time. We believe that the rules could be amended to permit modulation levels above 100% when subcarriers are transmitted, without causing stations to occupy excessive bandwidth or degrading service (assuming a 99 kHz baseband). In many instances, listeners experiencing slightly degraded reception can correct it by improving or adjusting their receiving antennas. However, we cannot conclusively quantify the potential for such degradation from the brief receiver measurement data furnished. We believe that we should have more information to respond to concerns about the actual potential for reception degradation, even though slight. By a separate Order, therefore, the Mass Media Bureau will reopen the record in this proceeding for the limited purpose of obtaining additional information on two specific issues:

(a) The degree of reception degradation caused by adjacent channel stations using peak modulation exceeding 100%; and

(b) Whether short-space stations would suffer adjacent channel interference to any greater extent than normally spaced stations.

In this manner we shall accommodate those commenters that sought additional testing before modifying the rules. Unless we receive conclusive documentation that there would be substantive degradation in service from increasing the permitted peak modulation to 110%, or 115% as suggested by Westinghouse, we will so amend the rules in a *Second Report and Order*. [26]

40. *Subcarrier Modulation Using Frequency Modulation Only*—The Commission requested comments on the proposal to remove the restriction that subcarriers be frequency modulated. Previously the rules were based on the assumption that conventional music or voice services would be provided via subcarriers. Additionally, the rules provided for the transmission of "visual" subcarrier services. In this context, visual material means all forms of data, telemetry, facisimile, or control signals that are used in any form other than a reproduced audio service. Whenever an applicant requested authorization to provide a non-aural subcarrier service, detailed test data had to accompany the application showing that the transmitted signal conformed to the baseband crosstalk and bandwidth limitation requirements.

41. We recognize that many of the non-aural services that may be provided by the FM broadcast subcarrier would require modulation more closely related to either frequency shift keying or a form of pulse modulation. On the other hand, use of the subcarrier for quadraphonic programming would involve forms of amplitude modulation, similar to the techniques now used for the stereophonic service. While we received no information that indicates there would be any problems with using other types of subcarrier modulation, greater attention to monitoring and controlling the subcarrier signal and its injection level is required. We are therefore removing the restriction that only FM modulation of the subcarrier be used.

42. Further, we are amending the modulation monitoring requirements to note that type approved monitors will not be required in certain circumstances. These monitors are not now designed for operation above 75 kHz or for non-FM subcarriers. Therefore, until the Commission concludes the proceeding in BC Docket No 81-698, which is reviewing all modulation monitoring requirements, licensees may use any type of suitable measuring equipment to guarantee their subcarrier signals conform to the limitations on the intra-baseband crosstalk, adjacent channel sideband energy, and total peak carrier deviation. In this regard, we note that NPR and others report that alternative calibration methods are easily implemented.

43. *Other Technical Matters*—Other issues of a hybrid nature were addressed by the comments. The Commission stated in the *Notice* that Mexico would have to agree with the changes in technical provisions for subcarrier uses before stations located within 320 km (199 miles) of the common border could operate under the revised rules. This is in recognition of the limitation in the Agreement which restricts use of the FM baseband to 75 kHz. The U.S.-Canada FM Broadcasting Agreement does not contain such a restriction in the use of the baseband. However, out of concern that the changes in the technical provisions being proposed could alter the bases upon which allotments are made under the Agreement with Canada, it was indicated in the *Notice* that concurrence of the Canadian Department of Communications would be requested before permitting stations within 320 km (199 miles) of the common border to transmit under the revised rules.

44. We have not as yet contacted the Mexican Director General of Telecommunications. Thus, stations located within 199 miles of Mexico can commence using subcarriers under the revised rules only within the existing baseband between 20 and 75 kHz. Operations above 75 kHz may not begin until Article 3 of the Mexico-United States FM Broadcasting Agreement is modified. We will undertake appropriate steps with Mexico to accomplish this step.

45. During the course of this proceeding we have determined that the changes under these revised rules will not alter the bases under which allotments are made under the terms of the U.S.-Canada FM Broadcasting

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International Electrotechnical Commission using weighted noise. However, as it reported, the signal used for modulation of the main program channel may not represent the highly processed and limited dynamic range signals broadcast by some U.S. stations.

[26] Bonneville suggested that the Commission's traditional method of defining and limiting FM broadcast modulation in terms of maximum peak carrier deviation, forces stations transmitting contemporary rock music to use distortion producing audio processing to fully use the available modulation for comparative signal coverage. Bonneville argued that we should base our modulation limits on "statistical occupied bandwidth" criteria, thus preserving the dynamic range of program material. This method for limiting modulation would provide adjacent channel interference protection based on the spectral distribution of sideband energy rather than on peak sideband amplitudes. Bonneville stated that European FM stations use the occupied bandwidth criteria for determining operating levels, allowing a higher quality of audio signal to be transmitted without degradation from audio processing. No reply comments analyzed Bonneville's suggestions.

We have not analyzed them either for we believe they are beyond the scope of the *Notice*. Nonetheless, we must note our initial reaction. The present rules may be overly restrictive in placing a firm modulation limit on transient peaks that occur in loud passages of some program material, but any change from this measurement method would necessitate a full exploration of how modulation specifications affect FM receiver performance and adjacent channel interference. Further, because many stations use equipment to produce a competitively "loud" signal under present regulations, we expect that processing equipment would be developed that would again maximize loudness while conforming the radiated signal to whatever band limitations may be established as an alternative to the present ones.

The types of regulations applicable to state-operated national broadcast systems in certain European countries are not applicable in the U.S. where some commercial stations are concerned with the competitive loudness of their program material. Bonneville's contention, that FM stations do not offer subcarrier services because of the potential loss in loudness, cannot be resolved by converting to an occupied bandwidth method of regulating modulation levels. This method would be no more effective than changing the maximum permitted deviation limits for subcarrier operation under the present procedures.

Agreement. Now that we are able to find that stations operating under the revised rules within 199 miles of Canada will be operating in conformity with that Agreement, Canadian approval is unnecessary. Therefore, there is no need to delay commencement of such operation. As part of our ongoing coordination with the Canadian Department of Communications we will apprise them of the changes to our rules as a matter of courtesy.

46. Family Stations, Inc. encouraged the Commission to address the issue of variable tuned FM subcarrier receivers. It asked that the Commission not place special restrictions on their manufacture and/or sale to the public. If such receivers were available, it contended, broadcasters would be more likely to provide broadcast service via subcarriers to underserved audiences than in providing subcarrier service to limited segments of the public. This concept is clearly beyond the scope of this proceeding.

47. Under the rules being adopted by this *Report and Order*, licensees will no longer be required to file technical measurements with an application for an authorization to transmit "visual" communications via a subcarrier. We also are not requiring the subcarrier generator-modulator unit of the transmission system to be type accepted or otherwise specifically authorized for use. The licensee of each FM station engaging in subcarrier services is responsible for determining that the transmission system meets the technical requirements for such operation, whether the subcarrier generator is connected directly to the transmitter or connected to a microwave transmitter for composite baseband studio transmitter link. Stations installing subcarrier transmission equipment need not file the equipment performance measurement data with the FCC, but retain them at the station for future reference.

48. The only restriction on the use of subcarrier generating equipment is that it must not require either mechanical or electrical changes in the circuits of type accepted transmitters designed for subcarrier operations. This requirement should create no problems because modern FM transmitters are designed to accommodate subcarrier generating equipment.

49. Because we are no longer issuing subcarrier authorizations specifying the subcarrier frequencies to be used, the rule requiring that subcarriers be maintained within 500 kHz of the authorized frequency is being deleted. We are also deleting the restriction that subcarriers cannot be used to turn main channel receivers on and off. This latter rule was adopted at a time when stations were using their main broadcast program facility to provide functional music services. At this time, licensees may find that subcarrier transmission for receiver selection or switching may provide useful broadcast services, and the rules will no longer prohibit such operations.

D. Procedural Rule Proposals

50. The *Notice* proposed two procedural rule proposals: (a) the elimination of "program" log requirements for subcarrier operations; and (b) the elimination of the requirement for a formal SCA application (Form 318). Virtually all parties favor the procedural rule proposals contained in the *Notice*. However, the University of Kansas Audio-Reader Network and the Minnesota Radio Talking Book Network urge the Commission to maintain subcarrier applications and program logs as a means through which the Commission can measure subcarrier use. In addition, the American Foundation for the Blind contends that if reservation of a subcarrier for public telecommunication services is required, then the Commission must have a means of monitoring that process. Therefore, it proposed retaining a simple application form. Amaturo Group, Inc. favors the elimination of applications and logs. However, if the Commission were to adopt Amaturo's suggestion that users of subcarriers for public paging purposes are allowed to elect whether they wish to offer their services on a common carrier regulated basis or on a non-common carrier regulated basis, then it believes that the Commission may find it useful to require such users to file a brief written notice of their election with the Commission. Such notification would permit Commission records to reflect those FM stations operating subcarriers dedicated to common carrier use.

51. We will not retain a program log requirement for FM subchannels. As indicated in the *Notice*, such a requirement would be consistent with our action in the *Deregulation of Radio*, 84 F.C.C. 2d 968 (1981), which eliminated program logs for the main channel operation of commercial radio stations. Moreover, in our companion action in BC Docket No. 82-1, we have declined to reserve a subchannel for public telecommunications services such as radio reading services. While it would be informative to have information on subchannel uses, including radio reading services, we do not believe it is appropriate to mandate a universal logging requirement for all subcarriers. Rather, if such information becomes necessary in either an individual situation or to evaluate future rule making proposals concerning subchannel use, the Commission can accumulate the necessary data through industry sources, individual licensee records or a special survey. Thus, we will not impose a logging requirement on licensees utilizing FM subchannels.

52. The Commission will also eliminate the requirement for a formal SCA application (Form 318). As we stated in the *Notice*, the need for information gleaned from Form 318 no longer exists. Specifically, we do not think there is a need to identify the manufacturer and model number of the subcarrier equipment, the subcarrier frequency to be used, the means to control multiplex receivers, or the amount of main channel programming that will be duplicated on a subcarrier channel. All audio rule requirements of Section 73.319 of the Commission's rules must be met in any case, and we believe this is sufficient to cover any concerns in this area. Moreover, we do not believe that a simplified Form 318 is needed to monitor the types of services being offered. To the extent that such information is necessary to make judgments on the application of appropriate regulations, the requirement that the licensee seek a specific authorization to provide such services will suffice. See para. 26, *supra*.

IV. Conclusion

53. Our action today represents a major effort on the part of the Commission to ensure efficient FM spectrum utilization and to remove unnecessary burdens imposed on FM licensees due to overrestrictive rules. We believe that a wide variety of services of interest to the public will be served if subcarrier services are no longer bound to materials of a broadcast nature. The regulatory changes we are providing permit the broadcast industry greater flexibility to develop and offer services that specifically address the needs of individual applications and to alter these services in a manner consistent with the dynamic environment.

54. Accordingly, we shall amend our rules to: (1) permit the use of FM subchannels for any legitimate communications purpose whether broadcast related or not; (2) permit the operation of subchannels even when the main channel is not in operation; (3) expand the FM baseband to 99 kHz except for stations within 200 miles of the Mexican border; (4) permit

modulation of subcarriers by any means, so long as there is no main channel interference; (5) eliminate the need to retain program logs for subcarrier operation; and (6) eliminate the subcarrier application form, FCC Form 318.

55. Pursuant to the Regulatory Flexibility Act of 1980, the Commission's final analysis is as follows:

I. Need for and Purpose of the Rules

The Commission has concluded that permitting subcarrier operation on a 24 hour-per-day basis, permitting materials of a non-broadcast nature to be offered on the subcarrier channels and expanding the FM baseband, thereby permitting two subcarrier channels would enhance the public interest by providing opportunities for extending and diversifying subcarrier service and for improving the efficiency of spectrum utilization.

II. Summary of Issues Raised by Public Comments in Response to the Initial Regulatory Flexibility Analysis, Commission Assessment, and Changes Made as a Result.

A. Issues Raised

1. No issues or concerns were raised specifically in response to the initial regulatory flexibility analysis. The issues of permitting two subcarriers on the FM baseband and allowing non-broadcast materials to be transmitted on subcarrier channels received favorable reactions. Some parties expressed concern that non-profit organizations could not compete with profit-making entities wishing to use the same subcarriers. Specifically, concern was raised by radio reading services pertaining to access to subcarriers on public FM stations. This issue is resolved in the companion item, Docket No. 82-1.

2. Some commenters also suggested that nonbroadcast uses of subchannels would unfairly compete with traditional offerers of services like paging. They argue that, as proposed in the *Notice*, FM stations would not be subject to the same regulations as traditional pagers. They also argue that the superior technical facilities of FM stations would put them at a competitive disadvantage.

B. Assessment

1. The Commission views the absence of specific claims of adverse impact with respect to its subcarrier proposals, with the exception of non-profit radio reading services on public FM stations, as indicative of their lack of potential for negative effects on small businesses. The issue of radio reading services on public FM stations is addressed in Docket No. 82-1.

2. The technical information before the Commission indicates that there may be situations in which a Class C FM station offers paging services on technical facilities that cover a wider area than traditional paging systems. However, it appears that these situations will be limited, and the spectrum efficiencies achieved by this action outweigh the potential competitive impact on existing paging systems.

C. Changes Made As a Result of Such Comments

FM broadcasters offering subchannels for common carrier and/or private radio communications services will be subject to the same regulation as traditional offerers of such services.

III. Significant Alternatives Considered and Rejected

The Commission's other alternatives were: (1) not to authorize subcarrier operation at times other than when the main channel is operating; (2) not to authorize materials of a non-broadcast nature to utilize subcarrier channels; (3) maintain the current technical requirements governing subcarriers, thereby prohibiting operation of a second subcarrier channel; and (4) maintain the requirement to file subcarrier application Form 318 and maintain subcarrier program logs. To deny authorization of subcarrier operation on a 24-hour-per-day basis, to deny transmission of non-broadcast materials and to prohibit expansion of the FM baseband to accommodate a second subcarrier channel would be to forego the beneficial objectives sought in this rule making. To require subcarrier program logs be maintained is inconsistent with existing Commission policy that does not require program logs be kept for main channel operations. Finally, to require application Form 318 be maintained would only necessitate needless government paperwork. A more restrictive approach to regulation likely would interfere with realization of the full potential and benefits of subcarrier operations and would represent an unnecessary intrusion by the government into the affairs of private businesses.

56. Authority for adoption of the rules contained herein is contained in Sections 2, 4(i), and 303 of the Communications Act of 1934, as amended.

57. Accordingly, it is ordered, That Parts 2 and 73 of the Commission's Rules are amended as set forth in Appendix A, effective July 22, 1983.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 2—[AMENDED]

1. Section 2.106 is amended by revising the National Table of Frequency Allocations for footnote designation NG128 in column 7 in the band 88–108 MHz, and the footnote NG128 as follows:

§ 2.106 Table of frequency allocations.

United States			Federal Communications Commission			
Band (MHz)	Station	Allocation	Band (MHz)	Services		Class of
5		6	7	8		9
88–108 (US93)			88–108 (NG128) (NG129)	BROADCASTING	FM Broadcasting (NG2)	

NG128. In the band 535–1605 kHz, AM broadcast licensees or permittees may use the AM carrier on a secondary basis to transmit signals intended for utility load management. In the band 88–108 MHz, FM broadcast licensees or permittees are permitted to use subcarriers to transmit signals intended for broadcast and on a secondary basis for non-broadcast purposes.

* * * * *

2. Section 2.1001 is amended by adding new paragraphs (i) and (j) to read as follows:

§ 2.1001 Changes in type accepted equipment.

* * * * *

(i) The addition of FM broadcast subcarrier generators under the provisions of §§ 73.293, 73.319, and 73.1690 of Part 73 of the Rules to a type accepted FM broadcast transmitter is considered a Class I permissive change described in paragraph (b)(1) of this

Section, provided the transmitter exciter is designed for subcarrier operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

(j) The addition of FM stereophonic sound generators under the provisions of §§ 73.297, 73.597 and 73.1690 of Part 73 of the Rules to an FM broadcast transmitter type accepted for stereophonic operation is considered a Class I permissive change described in paragraph (b)(1) of this Section, provided the transmitter exciter is designed for stereophonic sound operation without mechanical or electrical alterations to the exciter or other transmitter circuits.

PART 73—[AMENDED]

3. Section 73.253 is amended by adding a note following paragraph (a)(2) to read as follows:

§ 73.253 Modulation monitors.

(a) * * *

* * * * *

(2) * * *

Note.—Until such time as the proceeding in BC Docket No. 81-698 addressing the requirements for modulation monitors is concluded, stations transmitting subcarriers within the range of 75–99 kHz, or using other than frequency modulation of the subcarrier(s) need not have a type approved subcarrier modulation monitor for such transmissions. Stations using subcarriers for which type approved modulation monitors are not available must have appropriate measuring equipment to determine that the subcarrier injection levels and modulation conforms to the limitations in this Part for such transmissions.

* * * * *

4. Section 73.277 is amended by revising paragraph (b) to read as follows:

§ 73.277 Permissible transmissions.

* * * * *

(b) The transmission (or interruption) of radio energy in the FM broadcast band is permissible only pursuant to a station license, program test authority, construction permit, or experimental authorization and the provisions of this part of the Rules.

5. Section 73.293 is revised in its entirety to read as follows:

§ 73.293 Use of FM multiplex subcarriers.

Licensees of FM broadcast stations may transmit without further authorization from the FCC subcarriers within the composite baseband signals for the following purposes:

(a) Stereophonic (biphonic, quadraphonic, etc.) sound programs under the provisions of §§ 73.297 or 73.597.

(b) Transmission of signals under the relating to the operation of FM stations such as relaying broadcast materials to other stations, remote cueing and order messages, and control and telemetry signals for the transmitting system.

(c) Transmission of pilot or control signals under the provisions of to enhance the station's program service such as those to activate noise reduction decoders in receivers, for program alerting and program identification.

(d) Subsidiary communications services.

§ 73.294 [Removed]

6. Section 73.294 is removed in its entirely.

7. Section 73.295 is revised in its entirety to read as follows:

§ 73.295 FM subsidiary communications services.

(a) Subsidiary communications services are those transmitted on a subcarrier within the FM baseband signal, but do not include services which enhance the main program broadcast service (see § 73.293(a)(d)) or exclusively relate to station operations (see § 73.293(c)). Subsidiary communications include, but are not limited to services such as functional music, specialized foreign language programs, radio reading services, utility load management, market and financial data and news, paging and calling, traffic control signal switching, bilingual television audio, and point to point or multipoint messages.

(b) FM subsidiary communications services that are common carrier in nature are subject to common carrier regulation. Licensees operating such services are required to apply to the FCC for the appropriate authorization and to comply with all policies and rules applicable to the service. Responsibility for making the initial determinations of whether a particular activity is common carriage rests with the FM station licensee. Initial determinations by licensees are subject to FCC examination and may be reviewed at the FCC's discretion.

(c) Subsidiary communications services are of a secondary nature under the authority of the FM station authorization, and the authority to provide such communications services may not be retained or transferred in any manner separate from the station's authorization. The grant or renewal of an FM station permit or license is not furthered or promoted by proposed or past services. The permittee or licensee must establish that the broadcast operation is in the public interest wholly apart from the subsidiary communications services provided.

(d) The station identification, delayed recording, and sponsor identification announcements required by § 73.1201, 73.1208, and 73.1212 are not applicable to leased communications services transmitted via subcarriers that are not of a general broadcast program nature.

(e) The licensee or permittee must retain control over all material transmitted in a broadcast mode via the station's facilities, with the right to reject any material that it deems inappropriate or undesirable.

(f) A daily record of the use of subcarrier transmissions used for time the subcarrier modulation is turned on and off must be entered in the station operating log.

8. Section 73.297 is amended by revising the headnote and paragraph (a) to read as follows:

§ 73.297 FM stereophonic sound broadcasting.

(a) An FM broadcast station may, without specific authority from the FCC, transmit stereophonic (biphonic, quadraphonic, etc.) sound programs upon installation of stereophonic sound transmitting equipment under the provisions of §§ 2.1001, 73.322, and 73.1590 of the Rules. Prior to commencement of stereophonic sound broadcasting, equipment performance measurements must be made to ensure that the transmitted signal complies with all applicable rules and standards.

* * * * *

9. Section 73.310 is amended by:

a. Revising the headnote.

b. In paragraph (a) adding a new definition "Composite baseband signal."

c. In paragraph (b) revising the headnote; removing the definitions "Stereophonic Subcarrier" and "Stereophonic subchannel;" revising the definitions "Pilot subcarrier" and "Stereophonic Separation;" and adding the definitions "Stereophonic sound subcarrier" and "Stereophonic sound subchannel.

d. Revising paragraph (c).

e. Adding new paragraph (d).

§ 73.310 FM broadcast technical definitions.

(a) * * *

* * * * *

Composite baseband signal. A signal which is composed of all program and other communications signals that frequency modulates the FM carrier.

* * * * *

(b) *Stereophonic sound broadcasting.*

* * * * *

Pilot subcarrier. A subcarrier that serves as a control signal for use in the reception of FM stereophonic sound broadcasts.

Stereophonic separation. The ratio of the electrical signal caused in sound channel A to the signal caused in sound channel B by the transmission of only a channel B signal. Channels A and B may be any two channels of a stereophonic sound broadcast transmission system.

Stereophonic sound subcarrier. A subcarrier within the FM broadcast baseband used for transmitting signals for stereophonic sound reception of the main broadcast program service.

Stereophonic sound subchannel. The band of frequencies from 23 kHz to 99 kHz containing sound subcarriers and their associated sidebands.

Stereophonic subcarrier. [Removed]

Stereophonic subchannel. [Removed]

(c) *Visual transmissions.* Communications or message transmitted on a subcarrier intended for reception and visual presentation on a viewing screen, teleprinter, facsimile printer, or other form of graphic display or record.

(d) *Control and telemetry transmissions.* Signals transmitted on a multiplex subcarrier intended for any form of control and switching functions or for equipment status data and aural or visual alarms.

10. Section 73.319 is revised in its entirety to read as follows:

§ 73.319 FM multiplex subcarrier technical standards.

(a) The technical specifications in this Section apply to all transmissions of FM multiplex subcarriers except those used for stereophonic sound broadcasts under the provisions of § 73.322.

(b) *Modulation.* Any form of amplitude modulation (DSB, SSB, etc.), angle modulation (FM or PM), or frequency shift keying of a multiplex subcarrier or any combination thereof may be used.

(c) *Subcarrier baseband.* (1) During monophonic program transmissions, multiplex subcarriers and their significant sidebands must be within the range of 20 kHz to 99 kHz.

(2) During stereophonic sound program transmissions (see § 73.322), multiplex subcarriers and their significant sidebands must be within the range of 53 kHz to 99 kHz.

(3) During periods when broadcast programs are not being transmitted, multiplex subcarriers and their significant sidebands must be within the range of 20 kHz to 99 kHz.

Note.—Stations with transmitter sites located within 320 kilometers (199 miles) of the common United States-Mexico border may use subsidiary communications subcarriers only within the range of 20 kHz to 75 kHz until such time as the Commission issues a notice that the bilateral agreement with Mexico on FM Broadcasting is amended to permit use of subcarriers to 99 kHz.

(d) *Subcarrier injection.* (1) During monophonic program transmissions, modulation of the carrier by the arithmetic sum of all subcarriers above 75 kHz may not exceed the carrier by more than 10%, and modulation of the carrier by the arithmetic sum of all subcarriers may not exceed 30%, referenced to 75 kHz deviation.

(2) During stereophonic sound program transmissions, modulation of the carrier by the arithmetic sum of subcarriers above 75 kHz may not exceed 10%, and modulation of the carrier by the arithmetic sum of all subcarriers may not exceed 10%, referenced to 75 kHz deviation.

(3) [Reserved]

(4) During periods when no broadcast program service is transmitted, modulation of the carrier by the arithmetic sum of all subcarriers above 75 kHz may not exceed 10%, and modulation of the carrier by the arithmetic sum of all subcarriers may not exceed 30%, referenced to 75 kHz deviation.

(e) *Cross-talk noise.* (1) During monophonic program transmissions, the cross-talk within the main program channel (50 Hz to 15,000 Hz) caused by communications subcarriers must be at least 60 dB (measured as RMS noise) below 100% modulation reference.

(2) During stereophonic sound program transmissions, the cross-talk within the range of 50 Hz to 53,000 Hz caused by communications subcarriers must be at least 60 dB (measured as RMS noise) below 100% modulation reference.

(f) The use of multiplex subcarriers may not cause the radiated signal to exceed the band limitations specified in § 73.317(a) (12) and (13).

(g) Subcarrier generators may be installed and used with a type accepted FM broadcast transmitter without specific authorization from the FCC provided the generator can be connected to the transmitter without requiring any mechanical or electrical modifications in the transmitter FM exciter circuits.

(h) Stations installing multiplex subcarrier transmitting equipment must make such equipment performance measurements as necessary to determine compliance with the provisions of this Section. If the method of subcarrier modulation being used causes the station's transmission to not comply with the provisions of this Section or causes harmful interference to other communications services, the FCC may require the licensee to correct the problem and verify the results by measurements. Reports of measurement data are to be retained at the station and made available to the FCC upon request.

(i) Stations transmitting subsidiary communications subcarriers must have the facilities at the transmitter control point to determine that the transmissions are in compliance with all applicable rules and policies.

11. Section 73.322 is amended by revising the headnote and paragraphs (f), (i), (j), (n), (o), (p) and (q); and deleting the note following paragraph (m) as follows:

§ 73.322 FM stereophonic sound transmission standards.

* * * * *

(f) Stereophonic sound subcarriers must be capable of accepting audio frequencies from 50 Hz to 15,000 Hz.

* * * * *

(i) The following modulation levels apply to stereophonic sound transmissions:

(1) When a signal exists in only one channel or a two channel (biphonic) sound transmission, modulation of the carrier by audio components within the baseband range of 50 Hz to 15,000 Hz may not exceed 45% and modulation of the carrier by the sum of the amplitude modulated subcarrier in the baseband range of 23 kHz to 53 kHz may not exceed 45%.

(2) When a signal exists in only one channel of a stereophonic sound transmission having more than one stereophonic subcarrier in the baseband, the modulation of the carrier by audio components within the audio baseband of 50 Hz to 15,000 Hz may not exceed 37% and modulation of the carrier by the sum of all subchannel components within the baseband range of 23 kHz to 99 kHz may not exceed 53%.

(j) Total modulation of the main carrier including pilot subcarriers and all stereophonic sound subcarriers must comply with the requirements of § 73.1570 with the maximum modulation of the main carrier by all subsidiary communications subcarriers limited to 10%.

* * * * *

(n) The separation between any two channels of a stereophonic transmission system must exceed 29.7 dB for all audio modulating frequencies between 50 Hz and 15,000 Hz. This separation will indicate compliance with paragraphs (l) and (m) of this section.

(o) Non-linear cross-talk into the main program channel caused by signals in

the stereophonic broadcast subchannel must be attenuated at lease 40 dB (measured as RMS noise) below 90% modulation. Non-linear cross-talk into the stereophonic broadcast subchannels caused by signals in the main channel must be attenuated at least 40 dB (measured as RMS noise) below 90% modulation. (Non-linear cross-talk does not include effects of phase delay differences in program audio circuits. These effects are represented by loss of channel separation, and also by amplitude distortion in the monophonic reception of stereophonic programs.)

(p) Equipment performance measurements procedures (see § 73.1690) for stereophonic operation have not been established. However, when measurements are required for stereophonic equipment under the provisions of this Part, measurement data must be obtained to demonstrate compliance with this section.

(q) The transmitter performance standards of § 73.317(a)(2), (3), (4), and (5) apply to the main channel and stereophonic subchannels alike, except that the 100% reference modulation level includes the pilot subcarrier.

Note.—Stations with transmitter sites located within 320 kilometers (199 miles) of the common United States-Mexico border may use multichannel sound subcarriers only within the range of 23 kHz to 75 kHz until such time as the Commission issues a notice that the bilateral agreement with Mexico on FM Broadcasting is amended to permit use of multiplex subcarriers in the band 75–99 kHz.

12. Section 73.332 is amended by revising the headnote and paragraph (a) and adding a new Note following paragraph (g) to read as follows:

§ 73.332 Requirements for type approval of FM modulation monitors.

(a) Procedures for obtaining type approval of FM modulation monitors are contained in § 73.1668 and Subpart J of Part 2 of the FCC Rules.

* * * * *

Note.—Until such time as the Commission concludes the proceeding in Docket 81–698 concerning the requirements for modulation monitors, no standards are established for monitors for stereophonic sound transmissions using subcarrier sidebands above 53 kHz, for subsidiary communications multiplex subcarriers between 75 kHz and 99 kHz or for subcarriers using other than frequency modulation. Although type approval of modulation monitors for transmissions of such subcarriers are not required, licensees transmitting such subcarriers are required to have appropriate modulation measuring equipment to ensure that the transmissions comply with the provisions of §§ 73.319, 73.322 and 73.1570(b).

13. Section 73.342 is amended by revising paragraphs (c) and (j) to read as follows:

§ 73.342 Automatic transmission system facilities.

* * * * *

(c) If the station transmits subsidiary communications using multiplex subcarriers, the transmission system must be equipped with automatic limiting devices to prevent excessive modulation of the subcarriers.

* * * * *

(j) An FM station may use multiplex subcarriers for automatic transmission system telemetry in accordance with the technical provisions of § 73.319 and upon installation of appropriate equipment for measuring the subcarrier modulation and injection level.

14. Section 73.346 is amended by revising subparagraph (b)(2) to read as follows:

§ 73.346 Automatic transmission system monitoring and alarm points.

* * * * *

(b) * * *

(2) An off-air receiver for monitoring the station's program signal and any subsidiary communications transmitted by means of multiplex subcarriers.

* * * * *

15. Section 73.542 is amended by revising paragraphs (c) and (j) to read as follows:

§ 73.542 Automatic transmission system facilities.

* * * * *

(c) If the station transmits subsidiary communications by using multiplex subcarriers, the transmission system must be equipped with automatic limiting devices to prevent excessive modulation of the subcarriers.

* * * * *

(j) An FM station may use multiplex subcarriers for automatic transmission system telemetry in accordance with the technical provisions of § 73.319 and upon installation of appropriate equipment for measuring the subcarrier modulation and injection level.

16. Section 73.546 is amended by revising subparagraph (b)(2) to read as follows:

§ 73.546 Automatic transmission system monitoring and alarm points.

* * * * *

(b) * * *

(2) An off-air receiver for monitoring the station's program signal and any subsidiary communications transmitted by means of multiplex subcarriers.

* * * * *

17. Section 73.553 is revised to read as follows:

§ 73.553 Modulation monitors.

(a) The provisions of § 73.254 apply to noncommercial educational FM stations authorized to operate with transmitter output power exceeding 0.1 kW.

(b) The licensee of each noncommercial educational FM station licensed to operate with powers of 0.1 kW or less must provide an operating percentage modulation indicator or a calibrated program level meter from which the total percentage of modulation of the transmitter can be determined and maintained by the station duty operator.

§ 73.594 [Removed]

18. Section 73.594, Nature of the SCA, is removed in its entirety.

§ 73.595 [Removed]

19. Section 73.595, Use of multiplex subcarriers, is removed in its entirety.

20. Section 73.597 is amended by revising the headnote and paragraph (a) to read as follows:

§ 73.597 FM stereophonic sound broadcasting.

(a) A noncommercial educational FM station may, without specific authority from the FCC, transmit stereophonic sound programs upon installation of stereophonic sound transmitting equipment under the provisions of §§ 2.1001, 73.322, and 73.1590 of the Rules. Prior to commencement of stereophonic sound broadcasting, equipment performance measurements must be made to ensure that the transmitted signal complies with all applicable rules and standards.

* * * * *

21. Section 73.1207 is amended by revising paragraph (b)(2) to read as follows:

§ 73.1207 Rebroadcasts.

* * * * *

(b) * * *

(2) Permission must be obtained from the originating station to rebroadcast any subsidiary communications transmitted by means of a multiplex subcarrier or the vertical blanking interval of a television signal.

* * * * *

22. Section 73.1225 is amended by revising subparagraph (c)(2)(i) and adding new subparagraph (c)(2)(iii) to read as follows:

§ 73.1225 Station inspections by the FCC.

* * * * *

(c) * * *

(2) * * *

(i) Equipment performance measurements as required by § 73.1590.

* * * * *

(iii) Measurement data taken upon installation of subsidiary communications multiplex subcarrier generators showing compliance with the crosstalk and bandwidth limitation as required by § 73.293(a) and 73.1690.

* * * * *

23. Section 73.1226 is amended by revising paragraph (c) to read as follows:

§ 73.1226 Availability to FCC of station logs and records.

* * * * *

(c) The following contracts, agreements, or understandings, which need not be filed with the FCC (per § 73.3613, Filing of contracts), must be kept at the station and made available for inspection by any authorized representative of the FCC upon request:

(1) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(2) FM subchannel leasing agreements for subsidiary communications.

(3) Time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station.

(4) Contracts with chief operators or other engineering personnel.

24. Section 73.1570 is amended by revising paragraphs (b)(2) (i) and (ii) to read as follows:

§ 73.1570 Modulation levels: AM, FM, and TV aural.

* * * * *

(b) * * *

(2) * * *

(i) FM stations transmitting stereophonic sound programs must comply with the modulation specifications of paragraphs (b), (i), and (j) of § 73.322.

(ii) FM stations transmitting multiplex subcarriers for other than stereophonic sound broadcasting must comply with the carrier modulation specifications of § 73.319(d).

* * * * *

25. Section 73.1690 is amended by revising paragraph (e)(4) and adding new paragraph (e)(7) to read as follows:

§ 73.1690 Modification of transmission systems.

* * * * *

(e) * * *

(4) Installation or replacement of an FM stereophonic sound generator provided the generator can be connected to the type accepted transmitter without requiring any mechanical or electrical changes in the transmitter FM exciter circuits.

* * * * *

(7) Installation or replacement of an FM subsidiary communications generator provided the generator can be connected to a type accepted transmitter without requiring any mechanical or electrical changes in the transmitter FM exciter circuits.

§ 73.1830 [Amended]

26. Section 73.1830, Maintenance logs, is amended by removing paragraph (a)(3)(iii) in its entirety.

§ 73.3500 [Amended]

27. Section 73.3500 is amended by removing from the listing of FCC forms reference to FCC Form 318—Request for Subsidiary Communications Authorization.

28. Section 73.3533 is amended by removing paragraph (a)(4) and marking it "Reserved."

§ 73.3533 Application for construction permit or modification of construction permit.

* * *

(a) * * *

(4) [Reserved]

* * * * *

29. Section 73.3536 is amended by removing paragraph (a)(4) and marking it "Reserved."

§ 73.3536 Application for license to cover construction permit.

(a) * * *

(4) [Reserved]

* * * * *

30. Section 73.3613 is amended by revising paragraph (d) to read as follows:

§ 73.3613 Filing of contracts.

* * * * *

(d) The following contracts, agreements, or understandings, which need not be filed with the FCC, must be kept at the station and made available for inspection by any authorized representative of the FCC upon request:

(1) Contracts relating to the sale of broadcast time to "time brokers" for resale.

(2) FM subchannel leasing agreements for subsidiary communications.

(3) Time sales contracts with the same sponsor for 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs, and special events) broadcast pursuant to the contract is not under control of the station.

(4) Contracts with chief operators or other engineering personnel.

* * * * *

§ 73.4093 [Removed]

31. Section 73.4093, Discrete (encoded) 4-channel stereo transmission authority, is removed in its entirety.

32. Section 73.4126 is amended by revising the headnote to read as follows:

§ 73.4126 Horse racing information transmitted via FM broadcast subcarriers.

* * * * *

33. The alphabetical index to Part 73 of the Rules is amended by removing the following entries:

(a) Authorizations, Subsidiary Communications (SCA)
(b) Authorizations, Subsidiary Communications, Operation under
(c) Engineering standards, Subsidiary communications multiplex operations (FM)
(d) Multiplex operations, Subsidiary communications, engineering standards (FM)
(e) Multiplex subcarriers, Use of
(f) Operation Under Subsidiary Communications Authority (SCA)
(g) Transmission standards, Stereophonic (FM)
(h) Stereophonic broadcasting
(i) Stereophonic transmission standards (FM)
(j) Subsidiary Communications Authorizations (SCA)
(k) Subsidiary Communications Authorizations, Nature of
(l) Subsidiary Communications Authorizations, Operation Under
(m) Subsidiary Communications multiplex operations: engineering standards (FM)
(n) Use of multiplex subcarriers.

34. The alphabetical index to Part 73 of the Rules is amended by adding the following listings in sequence:

(a) Communications services, Subsidiary:	
FM	73.295
NCE-FM	73.593
(b) FM multiplex subcarrier technical standards	73.319
(c) FM multiplex subcarriers, Use of	73.293
(d) FM subsidiary communications services	73.295
(e) Stereophonic sound broadcasting: FM	73.297

[FR Doc. 83-14872 Filed 6-21-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-78; RM-4271]

Radio Broadcast Services; FM Broadcast Stations in Ellsworth, Maine; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Class B Channel 233 for Channel 232A in Ellsworth, Maine, and modifies the Class A permit for Station WKSQ-FM to specify operation on Class B Channel 233, in response to a petition filed by Acadia Broadcasting Company.

EFFECTIVE DATE: August 8, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Ellsworth, Maine); MM Docket No. 83-78, RM-4271.

Adopted: May 19, 1983.

Released: June 7, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 48 FR 7758, published February 24, 1983, proposing the substitution of Class B Channel 233 for Channel 232A at Ellsworth, Maine, in response to a petition filed by Acadia Broadcasting Company ("petitioner"), permittee of Station WKSQ-FM. The *Notice* also proposed modification of the permit for Channel 232A tp specify operation on Class B Channel 233. Petitioner submitted comments in support of the proposal and reaffirmed its interest in the Class B channel. No oppositions to, nor expressions of interest in, the proposal were received.

2. After consideration of the proposal, we believe that the public interest would be served by the substitution of the channels inasmuch as it would provide service to a larger area. We have also authorized in paragraph 5, herein, a modification of the petitioner's permit for Station WKSQ-FM to specify operation on Channel 233 since there were no other expressions of interest in the Class B channel. See, *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976).

3. Canadian concurrence has been received.

4. In view of the foregoing and pursuant to the authority contained in sections 4(i), 5(d)(l), 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 8, 1983, the FM Table of Assignments, § 73.202(b) of the Rules, IS AMENDED with respect to the following community:

City	Channel No.
Ellsworth, Maine	233, 239

5. It is further ordered, That pursuant to § 316(a) of the Communications Act of 1934, as amended, the outstanding permit held by Acadia Broadcasting Company for Station WKSQ-FM, Ellsworth, Maine, IS MODIFIED, effective August 8, 1983, to specify operation on Channel 233 instead of Channel 232A. Station WKSQ-FM may continue to operate on Channel 232A for one year from the effective date of this action or until it is ready to operate on Channel 233, whichever is earlier, unless the Commission sooner directs, subject to the following:

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

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

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

6. It is further ordered, That this proceeding is TERMINATED.

7. For further information concerning this proceeding, contact Mark N. Lipp, Broadcast 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. 83-16745 Filed 6-21-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-720; RM-4135; RM-4136]

Radio Broadcast Services; FM Broadcast Stations in Sumrall and Taylorsville, Mississippi; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action taken herein assigns Channel 240A to Taylorsville, Mississippi, in response to a petition filed by Communications Associates. The assignment could provide a first FM service to Taylorsville. In addition, a conflicting petition to assign Channel 240A to Sumrall, Mississippi, at the request of Rebel Broadcasting Company of Mississippi has been denied.

EFFECTIVE DATE: August 9, 1983.

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

FOR FURTHER IMFORMATION 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 an amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Sumrall and Taylorsville, Mississippi); BC Docket No. 82-720, RM-4135, RM-4136.

Adopted: May 18, 1983.

Released: June 9, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has under consideration the *Notice of Proposed Rule Making*, 47 FR 49419, published November 1, 1982, proposing a first FM service to either Sumrall or Taylorsville, Mississippi. The proceeding was instituted in response to petitions filed by Rebel Broadcasting Company of Mississippi ("Rebel") and by Communication Associates ("Communication"). Both petitioners filed comments restating their intent to apply for the channel, if assigned to their requested community. The petitioners also filed reply comments. Communication filed supplemental comments.

2. As stated in the *Notice*, each petitioner requested the assignment of Channel 240A to their respective community. Since the proposals are mutually exclusive (the communities are 28 miles apart instead of the required 65 miles), they are being considered jointly. We agreed that both proposals merited consideration and requested the petitioner for Sumrall to submit additional information to support its request.

3. Sumrall (population 1,197),[1] in Lamar County (population 23,821), is located approximately 70 miles southeast of Jackson, Mississippi. It has no local broadcast service. Taylorsville (population 1,387), in Smith County (population 15,077), is located 55 miles southeast of Jackson. It also has no local broadcast service.[2]

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

[2] In the *Notice*, we indicated that Taylorsville, Mississippi, is served by daytime-only AM Station WSCO, however, that station is no longer in operation.

4. In response to the request for demographic and economic information, Rebel submits that the economic indicators for Sumrall and Lamar Counties demonstrate substantial and steady growth. Rebel claims that (1) gross sales increased 114% from 1975 to 1981, (2) bank deposits increased 76% from 1975 to 1981, and (3) the median family income increased 187% from 1969 to 1979. According to Rebel, twenty industries are in operation in Lamar County which employ approximately 1,300 of the County's 8,230 employable persons. The unemployment rate is said to be only 5.8%. We are also told by Rebel that Hattiesburg (one of the four largest cities in the State) lies partially in Lamar County on the eastern border and provides many recreational and cultural services to Lumar County. As a final matter, Rebel contends that the area is one of the fastest growing areas in Mississippi, and that the requested assignment would contribute substantially to every facet of that growth.

5. In response, Communication argues that Rebel's comments provide no conclusive data which would indicate the need for a broadcast station at Sumrall. Instead, Rebel focused most of its comments on the economic, demographic and geographic conditions of Lamar County and the larger, nearby city of Hattiesburg. Communication further claims that the cities noted by Rebel either receive substantial service or presently have local service. Communication states that Sumrall is 13 miles from Hattiesburg, and it receives the service of that city's six AM and four FM stations. It also contends that Hattiesburg is so prominently and frequently mentioned by Rebel, it is apparent that a new FM service to Sumrall would also be intended to serve the Hattiesburg area.

6. Comments filed by Communication in support of the Taylorsville assignment focused on the desirability and the need for local service in that community. It emphasized that Taylorsville has "(1) much greater economic activity than Sumrall (2) the economy is better able to support a local station (3) a larger number of persons will benefit from a Taylorsville station and (4) Taylorsville has a much greater economic need for local radio service." Communication submitted a detailed comparison analysis of the economic conditions for both cities, in an effort to substantiate its allegations. Based on these issues, Communication urges the Commission to adopt its proposal.

7. In response to Communication's comments, Rebel acknowledges that at present there is greater economic activity in Taylorsville than in Sumrall, but considers the trend of growth to be equal. Rebel alleges that the economic activity within the coverage area of a Sumrall station would be greater than that within the coverage area of a Taylorsville station, based on a predicted 1 mV/m service contour of 15.5 miles. As an alternate proposal, it suggests reactivating the AM station formerly assigned to Taylorsville, and assigning Channel 240A to Sumrall. Finally Rebel claims that Randall A. Blakeney, a principal in Communication Associates, is also a principal in Station WKNZ–FM at Collins, Mississippi. Rebel adds that since the transmitter site for WKNZ–FM is only 15 miles from the allowable site location for the Taylorsville station, there would be a substantial overlap.

8. In supplemental comments, Communication informed the Commission that Randall A. Blakeney is not and never has been a principal in Station WKNZ–FM at Collins, Mississippi.

9. The Commission has found that sufficient information has been submitted to suggest that each of the communities could support a first FM assignment. However, since spacing restrictions preclude assigning Channel 240A to both communities, we shall use our standard comparative criteria to guide our decision as set forth in the recent action in BC Docket 80–130, *Revision of FM Policies and Procedures*, 90 F.C.C. 2d 88 (1982). Under our listed priorities, each community would receive a first local service. Thus, we shall turn to the category of other public interest factors to make our decision. Within this category, three factors are generally considered to be particular relevance and in this case we believe provide a basis for selection of Taylorsville as the community of assignment. These factors consist of (1) population, (2) location, and (3) number of reception services. First, Taylorsville has a larger population based on the 1980 U.S. Census (the parties did not submit more current figures). Second, Sumrall, which is 13 miles from Hattiesburg (population 40,829), receives for FM and six AM (3 daytime-only) signals from that community; whereas, Taylorsville is almost twice that distance from Laurel (population 21,897), its nearest large city, from which it receives only one FM and three AM (2 daytime-only) signals. As can be seen, Taylorsville, (1) is the larger community, (2) is more isolated and (3) receives less service.

10. In addition, we have taken into consideration the showing of significantly greater economic activity within Taylorsville. In this regard, Communication demonstrated that Taylorsville has 1280 employed persons while Sumrall has 168 such persons. Furthermore, Taylorsville has its own local bank and weekly newspaper while Sumrall has a branch bank from another city and no local newspaper. Taylorsville has more major employers and local government personnel. Finally, in considering the number of reception services each community receives, we note that the signals received in Sumrall are of a stronger quality than those received in Taylorsville. The basis for that finding is Sumrall's proximity to Hattiesburg's stations (11 miles) compared to Taylorsville's proximity to Laurel's stations (19 Miles).

11. We believe this case to be a close one in that Sumrall's showing is based on growth within the last decade which is predicted to continue. But it appears that too much emphasis has been placed on the needs of Lamar County rather than that of Sumrall. Our criteria, as set forth in BC Docket 80–130, *supra*, upheld our traditional approach of focusing in on the needs of the communities. Following that approach, Taylorsville has provided a greater showing of need and we have selected that community for the assignment of Channel 240A. As for Rebel's alternate proposal to utilize an AM frequency at Taylorsville, we note that an AM frequency is probably available at either community but we have no interest in an AM station. The allegation about a possible conflict on Mr. Blakeney's qualifications is a matter more appropriately considered at the application stage. For assignment purposes, this response (see paragraph 8) is satisfactory.

12. The assignment of Channel 240A to Taylorsville requires a site restriction of 5.3 miles southeast of the city (to avoid short spacing to Station WLIN, Jackson, Mississippi).

13. 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 9, 1983, § 73.202(b) of the Commission's Rules IS AMENDED with respect to the community listed below:

City	Channel No.
Taylorsville, Mississippi	240A

14. It is further ordered, That this proceeding IS TERMINATED.

15. 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.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Listing of 17 Species of Foreign Reptiles as Endangered or Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Fish and Wildlife Service determines that 17 species of foreign reptiles are Endangered or Threatened species as provided for by the Endangered Species Act of 1973, as amended. The threats that are believed to be causing the declines of these species are habitat destruction, the introduction of non-native predators, exploitation as a source of human food mainly by local people, vandalism, and overcollection; these threats are briefly discussed in the text for each species. This final rule implements the protections afforded these species under the Endangered Species Act of 1973, as amended. It provides additional protection to wild populations of these species and allows cooperative research programs to be undertaken on their behalf.

DATE: This rule becomes effective on July 22, 1983.

ADDRESSES: Questions concerning this action should be addressed to Director/OES, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to this rule are available for public inspection, by appointment, during normal business hours at the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (703/235–2771).

SUPPLEMENTARY INFORMATION:

Background

On August 15, 1980, the Service published a notice of review in the **Federal Register** (45 FR 54685–54686) to the effect that a review of the status of 18 species of foreign reptiles would be conducted to determine whether enough information existed to list them as Endangered or Threatened species under provisions of the Endangered Species Act of 1973, as amended (the Act). Comments from the public concerning this notice were summarized in the Service's proposal to list 17 foreign reptiles published in the **Federal Register** of January 20, 1983 (48 FR 2562–2566). This document also summarized biological information on the status of the proposed species. The public comment period ended March 21, 1983; no public hearing requests were received.

A brief description of the species in this final rule and applicable threats to them is as follows:

Serpent Island gecko—This lizard is restricted to Round Island (151 hectares) and Gunner's Quoin where it is rare and Serpent Island (20 hectares) where it is considered very rare; both islands are near Mauritius. Predation from feral animals and habitat destruction are the chief causes of its decline (Honegger, 1979). There are estimated to be between 3,600 and 4,500 lizards remaining. The overall problems of the Round Island ecosystem and its resident herpetofauna have been presented in detail (Bullock, 1977). Round Island is presently a nature reserve and endemic lizards cannot, by law, be captured or exported from Mauritius. The lizards have also been discussed by Vinson and Vinson (1969) and Temple (1977).

Bahama species of Cyclura—All these species are listed in the International Union for the Conservation of Nature and Natural Resources (IUCN) Red Data Book as being of concern (Honegger, 1979). The main threats to their continued survival include habitat destruction for resort development and the introduction of feral animals, particularly mongooses, cats, and dogs which prey upon the iguanas, especially the young and juveniles, and destroy nests (Iverson, 1978). Introduced goats may compete for food (these species are vegetarian) and humans kill them for food or malicious sport. Nearly all these iguanas have very small ranges; many are limited to a single island. Discussions of the threats to these species are contained in Honegger (1979), Carey (1966, 1975), Iverson and Auffenberg (1979), Iverson (1978), Auffenberg (1975, 1976a, 1982), and Gicca (1980). While legal protection is afforded these iguanas in the Bahamas, the law is not enforced (Honegger, 1979). The Service has funded research on *C. r. rileyi* to study a potentially serious fungal disease.

Cuban and Cayman Islands iguanas—There are three subspecies of *Cyclura nubila* inhabiting Cuba (mainland and Isla de Pinos) and the Cayman Islands. These are: *C. n. caymanensis* (one colony on Cayman Brac), *C. n. lewisi* (no less than 50 individuals remaining on Grand Cayman island), and *C. n. nubila* (Cuba and adjacent islands and cays; introduced population on Puerto Rico). The threats to these iguanas are similar to those of the Bahamas *Cyclura* (Honegger, 1979) and Townson (1981) has noted additional potential threats from habitat destruction. *C. n. nubila* is protected in Cuba.

Turks and Caicos iguana—The same threats which apply to the Bahama *Cyclura* also apparently apply to this species (Honegger, 1979). It is found on most of the islands in the Turks and Caicos group. No specific protection laws have been enacted and although several cays where this species occurs are supposed to be reserves, protection is nil (Honegger, 1979).

Jamaican iguana—The following is taken from Woodley (1980) who has reviewed the history and status of this species:

> For a hundred years, they were only known to survive on the Goat Islands but, after the introduction of the mongoose and the interference consequent on the Second World War, that population became extinct in about 1948. But iguanas had, after all, survived on the mainland; in the Hellshire Hills. Hog-hunters have been catching occasional specimens up to 1978 and one of these, killed in 1969, was obtained by the author and positively identified. It is unlikely that the Jamaican iguana, already very rare, will survive the proposed development of the Hellshire Hills.

Round Island skink—This species is presently confined to Round Island off the coast of Mauritius. It was once found on Flat Island and Gunner's Quion until exterminated by rats. In 1974, the population was thought to be between 4,000–5,000 but declining. Those factors contributing to the decline of other species of Round Island (Bullock, 1977) are also thought to be contributing to the decline of this species (Honegger, 1979; also see Temple, 1977, and Vinson and Vinson, 1969).

Aruba Island rattlesnake—According to Honegger (1979), the habitat of this

rattlesnake is shrinking as a result of increasing human activity. Collection may also be contributing to its decline.

Lar Valley viper—Andren and Nilson (1979) have reviewed the biology of this species and state:

> *Vipera latifii* Mertens, Darevsky and Klemmer, a recently described viper from northern Iran, is in severe need of conservation. Its range is restricted to unique, alpine Lar Valley, which in a few years will be used as a huge water reservoir. Observations on the biology of *Vipera latifii* are given. Sympatric amphibians and reptiles show ecotypic adaptations.

Central American river turtle—This large river turtle is found only in the coastal lowlands of southern Mexico, northern Guatemala, and Belize. It is hunted extensively for its meat and has been seriously depleted throughout much of its range. According to Alvarez del Toro *et al.* (1979), this exploitation could lead to its extinction. Additional information on its biology is contained in Smith and Smith [1979] and Iverson and Mittermeier (1980). The Service will follow Iverson and Mittermeier (1980) in the spelling of the specific epithet (i.e., *mawii*).

Summary of Comments and Recommendations

In the January 20, 1983, Federal Register (48 FR 2562–2566), the Service proposed to list 17 foreign reptiles as Threatened and Endangered species. A total of 6 comments were received during the public comment period, all but one from private citizens; four were completely supportive of the listing. The letter from Dr. Brian Groombridge of the IUCN Species Conservation Monitoring Unit, Cambridge, England, added new information as follows:

1. *Cyrtodactylus serpensinsula* has now been recorded from Gunner's Quoin;

2. *Gallotia simonyi simonyi* is not extinct as previously believed. Groombridge included a paper published in 1982 (Amphibia-Reptilia 2:369–380) that provides data on this species;

3. *Vipera latifii* would lose a major portion of its habitat if the dam in the Lar Valley were completed. It is unknown at present what the status of the dam is although Groombridge still believes Endangered status is warranted.

Mr. Ed Schmitt (American Association of Zoological Parks and Aquariums) supported the proposed listing of the Bahamian iguanas, Turks and Caicos iguana, iguanas on the Cayman Islands, Jamaican iguana, and Central American river turtle. However, he opposed listing the Serpent Island gecko, Round Island skink, and Lar Valley viper solely on the basis of the lack of habitat protection afforded by a U.S. listing action; he did not question the biological basis of the proposed status. Mr. Schmitt also questioned whether the Cuban iguana would benefit from listing and stated that the species is doing well in Cuban zoos. He mentioned unspecified reports about the species "doing well" in Cuba and noted that the iguana had been released in Puerto Rico.

The Service notes that whether a species will immediately benefit from Federal listing in not a criterion of listing. To be listed under provisions of the Act, only the biological basis for status determinations may be considered, as specified in Section 4(a)(1). Mr. Schmitt does not question the biological basis for listing nor offer data contrary to that in the proposal. Hence, the Service believes that listing the Serpent Island gecko, Round Island skink, and Lar Valley viper is indeed justified. With regard to the Cuban iguana, the same arguments apply. In addition, Mr. Schmitt offered no published reference to his statement concerning the status of the Cuban iguana. Whether or not the iguana is thriving in zoos is also not germane since many species in trouble in the wild will survive well in captivity. This final rule will not apply to the iguana population in Puerto Rico since the population is not native to Puerto Rico and resulted from the accidental release of zoo animals at La Parguera.

Finally, both Mr. Schmitt and Mr. Hugh Quinn question the listing of the Aruba Island rattlesnake, although again the biological basis of the proposal is not questioned. Indeed, Mr. Schmitt notes that ". . . two recent field trips conducted solely for the purpose of estimating the wild population, produced a dismal forecast for the species in the wild." The basis for the objections to listing this species is the belief that listing would inhibit captive breeding and the development of a species survival plan and regional studbook under auspices of the AAZPA. The Service disagrees. Conservation activities should not be inhibited by recognizing the biological status of a species in the wild; indeed, one of the purposes of listing is to encourage captive propagation if for conservation purposes, and many such programs are underway for a wide variety of species on the list of Endangered and Threatened wildlife. While permits for those subject to U.S. jurisdiction would be required for commercial transactions if for conservation purposes and for non-commercial activities involving scientific research or the enhancement of propagation or survival of the species, U.S. permits would not be required for those not subject to U.S. jurisdiction who are engaging in these activities. Rather than inhibiting conservation, listing should encourage the development of a species survival plan and studbook, both of which should aid in the species' conservation.

Section 8 (a), (b), and (c) of the Act authorize the Secretary of the Interior, in part, to provide financial assistance, to encourage foreign programs, and to provide assistance in the form of personnel or training of personnel, in order to promote the conservation of listed species that are not native to the United States. Under this provision, the Service has assisted cooperative research activities on listed species in a number of localities, including Mexico and Ecuador. Without listing, such activities would not occur. It should not therefore be automatically assumed that simply because a species is foreign and not in trade that the U.S. cannot promote its conservation. With listing, it is possible that a conservation program for the Aruba Island rattlesnake, featuring both habitat protection and captive breeding, could be developed in cooperation with authorities in the Netherlands Antilles. The Service believes that the biological data warrant listing as proposed.

The Service thanks those who responded to the proposed rule. While *Gallotia simonyi simonyi* was not included in the proposal to list 17 foreign reptiles and hence is not included in this final rule, the Service will review the status of this lizard for possible addition to the list of Endangered and Threatened wildlife. The species included in this final rule and their status are as follows:

Common Name	Scientific Name	Status
Serpent Island gecko	*Cyrtodactylus serpensinsula*	Threatened.
Acklins ground iguana	*Cyclura nlloyi nuchalis*	Threatened.
Allen's Cay iguana	*Cyclura cychlura inornata*	Threatened.
Andros Island ground iguana	*Cyclura cychlura cychlura*	Threatened.
Cayman Brac ground iguana	*Cyclura nubila caymanensis*	Threatened.
Cuban ground iguana	*Cyclura nubila nubila*	Threatened.
Exuma Island iguana	*Cyclura cychlura figginsi*	Threatened.
Grand Cayman ground iguana	*Cyclura nubila lewisi*	Endangered.
Jamaican iguana	*Cyclura collei*	Endangered.
Mayaguana iguana	*Cyclura carinata bartschi*	Threatened.

Common Name	Scientific Name	Status
Turks and Caicos iguana	*Cyclura carinata carinata*	Threatened.
Watling Island ground iguana	*Cyclura nileyi nileyi*	Endangered.
White Cay ground iguana	*Cyclura nileyi cristata*	Threatened.
Round Island skink	*Leiolopisma telfairi*	Threatened.
Central American river turtle	*Dermatemys mawii*	Endangered.
Aruba Island rattlesnake	*Crotalus unicolor*	Threatened.
Lar Valley viper	*Vipera latifii*	Endangered.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.)* and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) states that the Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. This authority has been delegated to the Assistant Secretary for Fish and Wildlife and Parks. These factors are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

The 17 reptiles thus listed as Endangered and Threatened species relate to these factors as follows (letters refer to factors above):

Serpent Island gecko—(A) Rabbits and goats were introduced onto Round Island in 1840 and these animals have destroyed the island's vegetation so that severe erosion has resulted. The loss of this vegetation cover is thought to have resulted in the loss of available habitat for this species. (C) Since there are no palms on Serpent Island, the scarcity of this species on Round Island has also been attributed to predation.

Acklins ground iguana—(A) This species is found only on Fortune Island and Guana Cay in Acklin's Bight. There are probably fewer than 1,000 individuals remaining. Increased human settlement in the Bahamas has resulted in the loss of available habitat for this species. (B) Hunting by people who use this species for food is thought to have decreased its numbers. (D) While this species is legally protected in the Bahamas, the law is not enforced.

Allen's Cay iguana—(A) This species is found in the Allen Cay group at the northern end of the Exuma Island chain. Like other species of Bahamian iguanas, this species has lost habitat because of human encroachment. There are 75–100 individuals remaining on each island of the group. (B) This subspecies is threatened by being needlessly slaughtered by tourist fishermen and is sometimes hunted by local people for food. (D) This iguana is legally protected by the Bahamas, but the law is not enforced.

Andros Island ground iguana—(A) This species is primarily found along the western two-thirds of the Andros group. This iguana is losing habitat to agriculture and commercial development and from lumbering. (B) According to Honegger (1979), there is extensive commercial exploitation. This species is used for food by local people who hunt it with dogs. (C) Hog predation on its eggs is also a problem. (D) This iguana is legally protected by the Bahamas, but the law is not enforced.

Cayman Brac ground iguana—(B) Humans hunt the ground iguana. (C) This iguana is known only from Cayman Brac and Little Cayman Islands, although introduced onto Grand Cayman. The population has been reduced by predation from feral pigs, cats, and dogs.

Cuban ground iguana—(B) Humans occasionally hunt the ground iguanas. (C) This iguana is known from Cuba, Isla de Pinos, and a number of offshore islands and cays. All populations are probably suffering from predation by feral pigs, cats, and dogs.

Exuma Island iguana—(A) This iguana is found on Bitter Guana Cay, Guana Cay, Prickley Pear Cay, and Allen Cay in the Exuma group. This subspecies is threatened by the development of its remaining habitat primarily for commercial and residential purposes. (B) Honegger (1979) states that commercial trade is a threat to this subspecies. Hunting of the iguanas for food and recreational purposes by tourists are threats to this iguana. (D) While this iguana is protected by Bahamian law, the law is not enforced.

Grand Cayman ground iguana—(B) Humans hunt the ground iguanas in the Cayman Islands. (C) This iguana is known only from Grand Cayman; there is believed to be a population of not less than 50 individuals remaining. Threats to the population are mainly thought to predation from feral pigs, cats, and dogs.

Jamaican iguana—(A) Until recently, this species was thought extinct. However, it survives probably in very low numbers in the Hellshire Hills. This area is proposed to be developed. If this occurs, the remaining small population will become extinct. (B) People are known to hunt and kill these iguanas. (C) Dogs and people are known to kill these iguanas. Any such loss to the population is a threat to its continued existence.

Mayaguana iguana—(A) This subspecies is known only from Bobby Cay east of Mayaguana. According to Honegger (1979), there has been some loss of habitat due to human activities. (B) This species is hunted by local people for food. (D) While the species is protected by Bahamian law, the law is not enforced.

Turks and Caicos ground iguana—(A) This iguana is found throughout the Turks and Caicos group. According to Honegger (1979), it is declining because of the loss of suitable habitat through housing development and agriculture. (B) Humans hunt this species of ground iguana. (C) Like other ground iguanas, this species is subject to predation from feral dogs and cats. (D) While some of the islands on which this species occurs have been designated as reserves, enforcement is nil.

Watling Island (=San Salvador) ground iguana—(C) This species is known only from Green Key, Man Head Key, Pidgeon Key, Low Key, and Goulding Key. Though previously reported from White Key and a number of adjacent keys, Gicca (1980) and Auffenberg (1982) note that none were found on these keys during surveys in 1974 and 1981, respectively. There may be a small remnant on San Salvador in the interior of the island. Causes for extirpation and decline include predation from feral animals. In addition, a serious fungal disease has in the past affected this subspecies; its cause and long term effects are unknown but many iguanas have been scarred by it.

White Cay ground iguana—(A) This iguana is known only from White Cay in the Bahamas where there are believed to be fewer than 1,000 individuals. The main threat to this species is from the loss of habitat from an encroaching human population. (B) According to Honegger (1979), the live animal trade could be having an adverse effect on this species. Humans hunt this species for food.

Round Island skink—(A) This species is now restricted to Round Island.

Rabbits and goats were introduced onto Round Island in 1840 and these animals have destroyed the island's vegetation so that severe erosion has resulted. The loss of this cover is thought to have resulted in the loss of available habitat for this species. (C) Rats are known predators and are thought to have eliminated this species on Flat Island and Gunner's Quoin.

Central American River turtle: (B) This large river turtle is found only in the coastal lowlands of southern Mexico, northern Guatemala, and Belize. It is hunted extensively for food and has been seriously depleted throughout its range. If this intensive exploitation continues, not only will the turtle disappear, but the local inhabitants will lose an important part of their diet. Turtle meat labeled as from *Dermatemys* has occasionally been imported into the United States. However, as shown in a recent law enforcement case, this meat was actually from sea turtles. The extent of possible international commercial trade in meat from this turtle is impossible to gauge, but could be significant as there have been numerous inquiries from soup companies as to its legality for trade.

Aruba Island rattlesnake—(A) According to Honegger (1979), the habitat of this rattlesnake is shrinking as a result of increasing human activity. (B) The extent of this problem is unknown, although overcollecting may be a problem for this species. However, captive propagation, such as undertaken at the Houston Zoo (Carl *et al.*, 1982) should be able to provide needed specimens for education and zoological display.

Lar Valley viper—(A) This species is confined to the alpine Lar Valley in Iran. According to Andrew and Nilson (1979), there is the threat of construction of a dam for a water reservoir which would eliminate a substantial portion of its habitat.

Available Protection Measures

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions that apply to all Endangered and Threatened species. The regulations referred to above, which pertain to Endangered and Threatened species, are found at §§ 17.21 and 17.31 of Title 50, and are summarized below.

With respect to the 17 species of reptiles in this rule, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21 and 17.31 now apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale these species in interstate or foreign commerce. It will now be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered and Threatened species under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22, 17.23, and 17.32. Such permits are available for scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, eduational purposes, and economic hardship.

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National Environmental Policy Act

An Environmental Assessment has been prepared in conjunction with this rule. It is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours (7:45–4:15 pm). This assessment is the basis for a decision that this rule is not a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Author

The primary author of this rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1975).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of chapter I, Title 50 of the U.S. Code of Federal Regulations is amended as follows:

1. The authority citation for Part 17 is revised to read as follows:

Authority: Pub. L. 93–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; and Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*)

2. Section 17.11 (h) is amended by adding, in alphabetical order, the following to the list of reptiles:

§ 17.11 Endangered and threatened wildlife

* * * * *

(h) * * *

Species		Historic range	Population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Gecko, Serpent Island.	*Cyrtodactylus serpensinsula*	Mauritius	Entire	T	129	NA	NA.
Iguana, Acklins ground.	*Cyclura nileyi nuchalis*	Bahamas	Entire	T	129	NA	NA.
Iguana, Allen's Cay.	*Cyclura cychlura inornata*	Bahamas	Entire	T	129	NA	NA.
Iguana, Andros Island ground.	*Cyclura cychlura cychlura*	Bahamas	Entire	T	129	NA	NA.
Iguana, Cayman Brac ground.	*Cyclura nubila caymanensis*	Cayman Islands	Entire	T	129	NA	NA.
Iguana, Cuban ground.	*Cyclura nubila nubila*	Cuba	Entire (excluding population introduced in Puerto Rico).	T	129	NA	NA.
Iguana, Exuma Island.	*Cyclura cychlura figginsi*	Bahamas	Entire	T	129	NA	NA.
Iguana, Grand Cayman ground.	*Cyclura nubila lewisi*	Cayman Islands	Entire	E	129	NA	NA.
Iguana, Jamaican.	*Cyclura collei*	Jamaica	Entire	E	129	NA	NA.
Iguana, Mayaguana.	*Cyclura carinata bartschi*	Bahamas	Entire	T	129	NA	NA.
Iguana, Turks and Caicos.	*Cyclura carinata carinata*	Turks and Caicos Islands.	Entire	T	129	NA	NA.
Iguana, Watling Island ground.	*Cyclura nileyi nileyi*	Bahamas	Entire	E	129	NA	NA.
Iguana, White Cay ground.	*Cyclura nileyi cristata*	Bahamas	Entire	T	129	NA	NA.
Skink, Round Island.	*Leiolopisma telfairii*	Mauritius	Entire	T	129	NA	NA.
Turtle, Cental American river.	*Dermatemys mawii*	Mexico, Belize, Guatemala.	Entire	E	129	NA	NA.
Rattlesnake, Aruba Island.	*Crotalus unicolor*	Aruba Island (Netherlands Antilles).	Entire	T	129	NA	NA.
Viper, Lar Valley	*Vipera latifii*	Iran	Entire	E	129	NA	NA.

Dated: May 20, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-16782 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register
Vol. 48, No. 121
Wednesday, June 22, 1983

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 415

[Amdt. No. 2]

Forage Production Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Forage Production Crop Insurance Regulations (7 CFR Part 415), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read, (2) eliminating the reduction in production guarantee for unharvested acreage provision and its related provisions, (3) adding a provision permitting the determination of indemnities based on the acreage report in lieu of insured acreage, practice, etc., determinations made at loss adjustment time, (4) adding a provision to provide a coverage level if the insured does not select one, (5) adding a 15-day notice of loss provisions, (6) adding a 60-day claim for indemnity provision, (7) adding a section regarding appraisals following the end of the insurance period for unharvested acreage, (8) adding a hail/fire provision for appraisals for uninsured causes, (9) changing the cancellation/termination dates to conform with farming practices, (10) providing that any change in the policy will be available in the service office by a certain date, (11) adding a definition of "service office," (12) providing for unit determination when the acreage report is filed, and (13) adding a section on descriptive headings. The intended effect of this rule is to update the policy for insuring forage production.

COMMENT DATE: Written comments on this proposed rule must be submitted not later than August 22, 1983, to be sure of consideration.

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

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

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

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance, No. 10.450.

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

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

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

List of Subjects in 7 CFR Part 415

Crop insurance, Forage production.

Proposed rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Forage Production Crop Insurance Regulations, effective for the 1984 and succeeding crop years, in the following instances.

1. The Authority citation for 7 CFR Part 415 is:

PART 415—[AMENDED]

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77 as amended (1506, 1516).

2. 7 CFR 415.7 is amended by revising the Forage Production Crop Insurance Policy in paragraph (d) to read as follows:

Forage Production Crop Insurance Policy

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

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

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

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following losses occurring within the insurance period: (1) adverse weather conditions; (2) fire; (3) insects; (4) plant disease; (5) wildlife; (6) earthquake; or (7) volcanic eruption unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(6).

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

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

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

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

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

2. Crop, acreage, and share insured.

a. The crop insured shall be forage which is planted for harvest as livestock feed, which is grown on insured acreage, and for which we provide a guarantee and premium rate in the actuarial table.

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

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

d. We do not insure any acreage:

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

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

(3) Where forage ground cover is less than 75 percent at the beginning of the insurance period, as determined by us.

(4) Unless approved by us:

(a) Alfalfa the fourth and succeeding crop years after the year of establishment;

(b) Alfalfa-grass mixtures the sixth and succeeding crop years after the year of establishment.

(5) Planted to a type or variety or mixture not established as adapted to the area or excluded by the actuarial table;

(6) Grown with another crop; or

(7) Grown for experimental purposes.

e. Where insurance is provided for an irrigated practice:

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

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

f. We may limit the insured acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the time insurance attaches.

3. Report of acreage, share, and where applicable, practice.

You shall report on our form:

a. All the acreage of insurable types of forage grown in the county in which you have a share;

b. The practice; and

c. Your share at the time insurance attaches.

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

4. Production guarantees, coverage levels, and prices for computing indemnities.

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

b. If you have not elected a coverage level, you shall have coverage level 2.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percentage Adjustment for Favorable Continuous Insurance Experience]

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

[Percentage Adjustments for Unfavorable Insurance Experience]

	Numbers of loss years through previous year [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	108	108	110	112	114	116	118	120	122	124	126
1.20 to 1.9	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	223	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 and up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

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

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

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

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

6. Deductions for debt.

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

7. Insurance period.

a. Insurance attaches on acreage with an adequate stand, as determined by us, on:

(1) May 22 (Spring-Seeded) following the year of seeding, and October 16 thereafter; and

(2) October 16 (Fall-Seeded) following the year of seeding.

b. Insurance ends at the earliest of:

(1) Total destruction of the forage crop;

(2) Removal from the windrow or removal from the field;

(3) Final adjustment of a loss; or

(4) October 15 of the crop year in which the forage is normally harvested.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

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

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

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

Insured acreage may not be put to another use until we have appraised the forage and given written consent. You must notify us when such acreage is put to another use.

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

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

(4) Notice shall be given within 48 hours after the first harvest is completed if less than 50 percent of the production guarantee is harvested from any unit. Such notice shall include the number of acres harvested and tons produced from each unit.

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

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

(b) Harvest of the unit; or

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

b. You must obtain written consent from us before you destroy any of the forage which is not to be harvested.

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

9. Claim for indemnity.

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

(1) Total destruction of the forage on the unit,

(2) Final harvest of the unit; or

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

b. We shall not pay any indemnity unless you:

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

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

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

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

(2) Subtracting therefrom the total production of forage to be counted (see section 9e);

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

(4) Multiplying this result by your share.

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

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

(1) Any production from volunteer plants growing in the forage shall be counted as forage on a weight basis.

(2) Appraised production to be counted shall include:

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

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

(c) Any appraised production on unharvested acreage.

(3) When forage is harvested as other than air-dry hay, the production to count shall be adjusted to the equivalent of air-dry hay, as determined by us.

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

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

(b) Is harvested; or

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

(5) We may determine the amount of production of any unharvested forage on the basis of field appraisals conducted after the normal time for each cutting for the area, as determined by us.

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

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

f. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

You shall keep for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all forage produced on each unit including

separate records showing the same information for production from any uninsured acreage. Any persons designated by us shall have access to such records and the farm for purposes related to the contract.

15. Life of contract: Cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are September 15 for all states.

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

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

16. Contract changes.

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

17. Meaning of terms.

For the purposes of forage production crop insurance:

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

b. "Alfalfa" means a pure stand of alfalfa or a stand of alfalfa and any other forage in which 60 percent or more of the ground cover is alfalfa.

c. "Alfalfa-grass mixtures" means a mixed stand of alfalfa and grass or other forage in which alfalfa comprises more than 25 percent but less than 60 percent of the ground cover.

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

e. "Crop year" means the period from the date insurance attaches until harvest is normally completed and shall be designated by the calendar year in which the forage is normally harvested.

f. "Cutting" means a severance of the forage plant from the land for the purpose of livestock feed.

g. "Established stand" means having at least 75 percent of the stand which is considered by us as normal.

h. "Harvest" means the removal from the windrow or field.

i. "Insurable acreage" means the land classified as insurable by us and shown as such in the actuarial table.

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

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

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

m. "Tenant" means a person who rents land from another person for a share of the forage production or a share of the proceeds therefrom.

n. "Unit" means all insurable acreage of forage in the county on the date insurance attaches:

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

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

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

o. "Year of establishment" for spring-seeded forage means the calendar year in which the forage is seeded, and for fall-seeded forage means the calendar year immediately following the year in which the forage is seeded.

18. Descriptive headings.

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

19. Information collection requirements.

Information collection requirements contained in these regulations (7 CFR Part 415) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

Approved by the Board of Directors on April 26, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Dated: June 16, 1983.

Approved by:

Edward Hews,

Deputy Manager, Federal Crop Insurance Corporation.

[FR Doc. 83-16670 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 422

[Amdt. No. 1]

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Potato Crop Insurance Regulations (7 CFR Part 422), effective for the 1984 and succeeding crop years, by (1) changing the policy to make it easier to read, (2) eliminating the reduction in production guarantee for unharvested acreage and its related provisions, (3) providing that potatoes are insurable following sunflowers, potatoes, dry beans, soybeans, rape, or mustard if the rotation requirements are carried out, (4) permitting determination of indemnities based on the acreage report in lieu of insured acreage, practices, etc., determinations made at loss adjustment time, (5) providing for a coverage level if the insured does not select one, (6) providing that in the event of a probable loss, a representative sample of the unharvested crop be left intact for 15 days, (7) adding a 60-day claim for indemnity provision, (8) adding a section regarding appraisals following the end of the insurance period for unharvested acreage, (9) adding a hail/fire provision for appraisals of uninsured causes, (10) changing the cancellation/termination dates to conform with farming practices, (11) providing that any change in the policy will be available in the service office by a certain date, (12) adding a definition for "service office," (13)

providing for unit determination when the acreage report is filed, and (14) adding a section concerning "descriptive headings." The intended effect of this rule is to update the policy for insuring potatoes. This document is issued to meet review requirements established in the Secretary's Memorandum No. 1512–1 (June 11, 1981).

DATE: Comment date: Written comments on this proposed rule must be submitted not later than August 22, 1983, to be sure of consideration.

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

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

Merritt W. Sprague, Manager, FCIC, has determined that (1) this action is nor a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) this action conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

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

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

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

List of Subjects in 7 CFR Part 422

Crop insurance, Potato.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Potato Crop Insurance Regulations, effective for the 1984 and succeeding crop years, in the following instances:

PART 422—[AMENDED]

1. The Authority citation for 7 CFR Part 422 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (1506, 1516).

2. 7 CFR 422.7 is amended by revising paragraph (d) Potato Crop Insurance Policy to read as follows:

Potato Crop Insurance Policy

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

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

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

Terms and Conditions

1. Cause of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following losses occurring within the insurance period: (1) Adverse weather conditions; (2) fire; (3) insects; (4) plant disease; (5) wildlife; (6) earthquake; (7) volcanic eruption unless those causes are excepted, excluded, or limited by the actuarial table or section 9e(5).

b. We shall insure against any cause of loss of production due to:

(1) Damage that occurs or becomes evident after the potatoes have been placed in storage;

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

(3) The failure to follow recognized good potato farming practices;

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

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

2. Crop, acreage, and share insured.

a. The crop insured shall be potatoes which are planted for harvest, which are grown on insured acreage, and for which we provide a guarantee and premium rate in the actuarial table.

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

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

d. We do not insure any acreage:

(1) Planted with non-certified seed;

(2) Which does not meet the rotation requirements designated by the actuarial table.

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

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

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

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

(7) Of volunteer potatoes;

(8) Planted to a type or variety of potatoes not established as adapted to the area or excluded by the actuarial table;

(9) Planted with another crop; or

(10) Planted for the development or production of hybrid seed or for experimental purposes.

e. Where insurance is provided for an irrigated practice:

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

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

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

3. Report of acreage, share, and where applicable, practice.

You shall report on our form:

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

b. The practice; and

c. Your share at the time of planting.

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

report subitted by you may be revised only upon our approval.

4. Production guarantees, coverage levels, and prices for computing indemnities.

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

b. If you have not elected a coverage level, you shall have coverage level 2.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percentage adjustments for favorable continuous insurance experience]

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

[Percentage adjustments for unfavorable insurance experience]

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

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

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

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

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

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

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

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

6. Deductions for debt.

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

7. Insurance period.

Insurance attaches when the potatoes are planted except Florida (where insurance attaches only on potatoes planted on or after January 1 and on or before February 15) and ends at the earliest of:

a. Total destruction of the potatoes;

b. Harvesting or removal from the field;

c. Final adjustment of a loss; or

d. The following dates of the calendar year in which potatoes are normally harvested:

(1) Florida—June 1;

(2) All other states—October 15.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

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

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

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

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

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

(3) If probable loss is later determined, immediate notice shall be given and a representative sample of the unharvested potatoes (at least 10 feet wide and the entire length of the field) shall be left intact for a period of 15 days from the date of notice, unless we give you written consent to harvest the sample.

(4) If you are going to claim an indemnity on any unit, we must be given notice at least 72 hours prior to the start of harvest, unless all of the production is to be delivered directly to a processing plant.

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

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

(b) Harvest of the unit; or

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

b. You must obtain written consent from us before you destroy any of the potatoes which are not to be harvested.

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

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

b. We shall not pay any indemnity unless you:

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

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

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

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

(2) Subtracting therefrom the total production of potatoes to be counted (see section 9e);

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

(4) Multiplying this result by your share.

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

e. The total production to be counted for a unit shall include all harvested and appraised production except if potatoes are marketed or stored without an acceptable inspection, the production to count for such potatoes shall be 90 percent of the gross weight so marketed or stored.

(1) We may determine the extent of any loss at the time the potatoes are placed in storage or delivered to a processor.

(2) Appraised production to be counted shall include:

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

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

(c) Not less than the guarantee for any acreage which the harvested production is disposed of with our prior written consent and such disposition prevents accurate determination of marketable potatoes; or

(d) Any appraised production on unharvested acreage.

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

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

(b) Is harvested; or

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

(4) We may determine the amount of production of any unharvested potatoes on the basis of field appraisals conducted after the end of the insurance period.

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

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

f. You shall not abandon any acreage to us.

g. You may not bring suit or action against us unless you have complied with all policy provisions. If a claim is denied, you may sue us in the United States District Court under the provisions of 7 U.S.C. 1506(c). You must bring suit within 12 months of the date notice of denial is mailed to and received by you.

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to idenmity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

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

15. Life of contract: Cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are:

State and Cancellation/Termination Dates
Florida—December 31
All other states—April 15

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

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

16. Contract changes.

We may change any terms and provisions of the contract from year to year. If your price election at which indemnities are computed is no longer offered, the actuarial table shall provide the price election which you shall be deemed to have elected. All contract changes shall be available at your service office by December 31 preceding the cancellation date for counties with an April 15 cancellation date and by September 30 preceding the

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

17. Meaning of terms.

For the purposes of potato crop insurance:

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

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

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

d. "Harvest" means the digging of potatoes on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such in the actuarial table.

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

g. "Marketable potatoes" means potatoes acceptable for use as certified seed or for human consumption and which meet the standards for sale through market outlets for the area and as may be further defined by the actuarial table. The determination of marketable potatoes and the production to count shall be made by us.

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

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

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

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

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

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

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

18. Descriptive headings.

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

19. Information collection requirements.

Information collection requirements contained in these regulations (7 CFR Part 422) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

Approved by the Board of Directors on April 26, 1983.

Dated: June 15, 1983.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Merritt W. Sprague,

Manager.

[FR Doc. 83-16568 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 428

[Amdt. No. 3]

Sunflower Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Sunflower Crop Insurance Regulations (7 CFR Part 428), effective for the 1984 and succeeding crop years, by: (1) Changing the policy to make it easier to read, (2) eliminating the substitute crop provision, (3) eliminating the reduction of production guarantee for unharvested acreage and its related provisions, (4) providing that sunflowers are insurable following sunflowers, potatoes, dry beans, soybeans, rape, and mustard, if the rotation requirements are carried out, (5) addition of a provision that makes sunflowers, planted in rows too close to permit cultivation, insurable only when so designated by the actuarial table, (6) providing for determination of indemnities based on the acreage report in lieu of the insured acreage, practice, etc., determinations made at the time of loss adjustment, (7) addition of a provision to provide a coverage level if the insured does not select one, (8) providing that residue shall be left intact in the event of a probable loss, (9) addition of a provision for replanting payment, (10) addition of a 60-day claim for indemnity provision, (11) addition of a provision to allow consideration of quality, (12) addition of a section regarding appraisals following the end of the insurance period for unharvested acreage, (13) addition of a hail/fire provision for appraisals of uninsured causes, (14) changing the cancellation/termination dates to conform with farming practices, (15) providing that any change in the policy will be available in the service office by a certain date, (16) addition of a definition for "service office," (17) providing for unit determination when the acreage report is filed, and (18) addition of a section regarding "descriptive headings." The intended effect of this rule is to update the policy for insuring sunflowers.

DATE: Written comments on this proposed rule must be submitted not later than August 22, 1983, to be sure of consideration.

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

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–2 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

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

The title and number of the Federal Assistance Program to which these regulations apply are: Title—Crop Insurance; Number 10.450.

This action will not have a significant impact specifically upon area and community development; therefore, review as established by Executive Order No. 12372 (July 14, 1982) was not

used to assure that units of local government are informed of this action.

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

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

List of Subjects in 7 CFR Part 428

Crop insurance, Sunflower.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Sunflower Crop Insurance Regulations, effective for the 1984 and succeeding crop years, in the following instances:

PART 428—[AMENDED]

1. The Authority citation for 7 CFR Part 428 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (1506, 1516).

2. 7 CFR 428.7 is amended by revising the Sunflower Crop Insurance Policy in paragraph (d) to read as follows:

Sunflower Crop Insurance Policy

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

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

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

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period: (1) adverse weather conditions; (2) fire; (3) insects; (4) plant disease; (5) wildlife; (6) earthquake; or (7) volcanic eruption unless those causes are excepted, excluded, or limited by the actuarial table or section 9f(6).

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

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

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

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

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

2. Crop, acreage, and share insured.

a. The crop insured shall be sunflower seed ("sunflowers") which are planted for harvest as sunflowers and which are grown on insured acreage and for which a guarantee and premium rate is provided by the actuarial table.

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

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

d. We do not insure any acreage:

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

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

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

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

(5) Of volunter sunflowers;

(6) Planted to a type or variety of sunflowers not established as adapted to the area or excluded by the actuarial table;

(7) Planted with a crop other than sunflowers; or

(8) Which does not meet the rotation requirements designated by the actuarial table.

e. Where insurance is provided for an irrigated practice:

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

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

f. Unless otherwise provided by the actuarial table, insurance shall attach only on acreage initially planted in rows far enough apart to permit cultivation, as determined by us; but, if such insured acreage is destroyed and replanted, whether in the same manner or by broadcasting, drilling, or in rows too close to permit cultivation, it shall be regarded as insured acreage and not as acreage put to another use.

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

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

3. Report of acreage, share, and where applicable, practice. You shall report on our form:

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

b. The practice; and

c. Your share at the time of planting.

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

4. Production guarantees, coverage levels, and prices for computing indemnities.

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

b. If you have not elected a coverage level, you shall have coverage level 2.

c. You may change the coverage level and price election on or before the closing date for submitting applications for the crop year as established by the actuarial table.

5. Annual Premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percentage adjustments for favorable continuous insurance experience]

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

[Percentage adjustments for unfavorable insurance experience]

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

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

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

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

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

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

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

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

6. Deductions for debt.

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

7. Insurance period.

a. Insurance attaches when the sunflowers are planted and shall cease upon the earliest of:

(1) Total destruction of the sunflowers;

(2) Combining, threshing or removal from the field;

(3) Final adjustment of a loss; or

(4) November 30 of the calendar year in which sunflowers are normally harvested.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant sunflowers damaged due to any insured cause. (To qualify for a replanting payment, the acreage replanted shall be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit.);

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

(c) You want or consent to put acreage to another use; or

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

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

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

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

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

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

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

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

(b) Harvest of the unit; or

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

b. You may not destroy or replant any of the sunflowers on which a replanting payment will be claimed until we give consent.

c. You must obtain written consent from us before you destroy any of the sunflowers which are not to be harvested.

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

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

b. We shall not pay any indemnity unless you:

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

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

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

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

(2) Subtracting therefrom the total production of sunflowers to be counted (see section 9f);

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

(4) Multiplying this result by your share.

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

e. Any replanting payment shall be considered as an indemnity.

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

(1) Mature sunflower production:

(a) Which otherwise is not eligible for quality adjustment shall be reduced .12 percent for each .1 percentage point of moisture in excess of 10 percent; or

(b) Which, due to insurable causes, has a test weight below 25 pounds per bushel for oil type sunflowers or below 22 pounds per bushel for non-oil sunflowers shall be adjusted by:

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

(ii) Multiplying the results by the number of bushels.

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

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

(3) Appraised production to be counted shall include:

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

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

(c) Any appraised production on unharvested acreage.

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

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

(b) Is harvested; or

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

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

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

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

g. A replanting payment may be made on any insured sunflowers replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage for the unit. (1) No replanting payment will be made on acreage:

(a) On which our appraisal exceeds 90 percent of the guarantee;

(b) Initially planted prior to the date we determine reasonable; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting, but shall not exceed the product obtained by multiplying 175 pounds times the price election times your share.

If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment will be reduced proportionately. Any replanting payment will be considered as an indemnity.

h. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

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

15. Life of contract: Cancellation and termination.

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

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

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

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

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

d. The cancellation and termination dates are April 15 for all states.

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

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

16. Contract changes.

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

17. Meaning of terms.

For the purposes of sunflower crop insurance:

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

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

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

d. "Harvest" means the completion of combining or threshing the sunflowers on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

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

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

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

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

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

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

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

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

18. Descriptive headings.

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

19. Information collection requirements.

Information collection requirements contained in these regulations (7 CFR Part 428) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563-0003 and 0563-0007.

Approved by the Board of Directors on April 26, 1983.

Dated: June 16, 1983.

Approved by:

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Edward Hews,

Deputy Manager, Federal Crop Insurance Corporation.

[FR Doc. 83-16669 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 433

[Amdt. No. 3]

Dry Bean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the Dry Bean Crop Insurance Regulations (CFR Part 433), effective for the 1984 and succeeding crop years, by: (1) changing the policy to make it easier to read, (2) eliminating the reduction in production guarantee for unharvested acreage and its related provisions, (3) addition of a provision regarding rotation requirements, (4) providing for determination of indemnities based on the acreage report in lieu of insured acreage, practice, etc., determinations made at time of loss adjustment, (5) addition of a provision to provide for a coverage level if the insured does not select one, (6) providing that residue shall be left intact in the event of a probable loss, (7) addition of a provision of replanting payment, (8) addition of a 60-day claim for indemnity provision, (9) addition of a section regarding appraisals following the end of the insurance period for unharvested acreage, (10) addition of a hail/fire provision for appraisals of uninsured causes, (11) changing the cancellation/termination dates to conform to farming practices, (12) providing that any change in the policy will be available in the service office by a certain date, (13) addition of a definition for "service office," (14) providing for unit determination when the acreage is filed, and (15) addition of a section regarding "descriptive headings." The intended effect of this rule is to update the policy insuring dry beans. This document is issued to meet review requirements established in the Secretary's Memorandum No. 1512-1 (June 11, 1981).

DATE: Comment date: Written comments on this proposed rule must be submitted not later than August 22, 1983, to be sure of consideration.

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

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

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512-1 (June 11, 1981). This action constitutes a review under such procedures as to the need, currency, clarity, and effectiveness of these regulations. The sunset review date established for these regulations is April 1, 1988.

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

The title and number of the Federal Assistance Program to which these regulations apply are: Title-Crop Insurance; Number 10.450.

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

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

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

List of Subjects in 7 CFR Part 433

Crop insurance, Dry bean.

Proposed Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation proposes to amend the Potato Crop Insurance Regulations, effective for the 1984 and succeeding crop year, in the following instances:

PART 433—[AMENDED]

1. The Authority citation for 7 CFR Part 433 is:

Authority: Secs. 506, 516, Pub. L. 75–430, 52 Stat. 73, 77 as amended (1506, 1516).

2. 7 CFR 433.7 is amended by revising the Dry Bean Crop Insurance Policy in paragraph (d) to read as follows:

Dry Bean Crop Insurance Policy

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

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

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

Terms and Conditions

1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following losses occurring within the insurance period: (1) Adverse weather conditions; (2) fire; (3) insects; (4) plant disease; (5) wildlife; (6) earthquake; or (7) volcanic eruption unless those causes are expected, excluded, or limited by the actuarial table or section 9g(5).

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

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

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

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

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

2. Crop, acreage, and share insured.

a. The crop insured shall be dry beans ("beans") and shall consist of:

(1) Dry edible beans, planted for harvest as dry beans, of a class designated in the actuarial table, or

(2) Bush varities of garden seed beans, planted for harvest as seed, grown under contract executed with a seed company before the acreage reporting date; and

(3) Which are grown on insured acreage and for which we provide a guarantee and premium rate is provided by the acutuarial table.

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

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

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

e. We do not insure any acreage:

(1) Of bush varieties of garden seed beans not grown under contract or excluded from the contract for, or during, the crop year;

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

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

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

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

(6) Of volunteer beans;

(7) Planted to a class of dry edible beans or a bush variety of garden beans not established as adapted to the area or excluded by the actuarial table;

(8) Which does not meet the rotation requirements designated by the actuarial table;

(9) Planted with a crop other than beans.

f. Where insurance is provided for an irrigated practice:

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

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

g. Any acreage of the insured crop which is destroyed and replanted to an insurable class of dry edible beans or bush varities of garden seed beans shall be regarded as insured acreage and not as acreage put to another use.

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

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

3. Report of acreage, share, and where applicable, practice.

You shall report on our form:

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

b. The practice; and

c. Your share at the time of planting.

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

4. Production guarantees, coverage levels, and prices for computing indemnities.

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

b. If you have not elected a coverage level, you shall have coverage level 2.

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

5. Annual premium.

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

PREMIUM ADJUSTMENT TABLE [1]

[Percentage Adjustments for favorable continuous insurance experience]

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

[Percentage adjustments for unfavorable insurance experience]

	Number of loss years through previous [3]															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Percentage adjustment factor for current crop year															
Loss ratio [2] through previous crop year																
1.10 to 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 to 139	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 to 1.69	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 to 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 to 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 to 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 to 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 to 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 to 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 Up	100	100	120	136	158	180	202	224	246	268	290	300	300	300	300	300

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

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

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

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

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

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

d. If participation is not continuous, any premium shall be computed on the basis of previous unfavorable insurance experience but not premium reduction under section 5a shall be applicable.

6. Deductions for debt.

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

7. Insurance period.

a. Insurance attaches when the beans are planted and ends at the earliest of:

(1) Total destruction of the beans;

(2) Combining, threshing, or removal from the field;

(3) Final adjustment of a loss; or

(4) November 15 of the calendar year in which the beans are normally harvested.

8. Notice of damage or loss.

a. In case of damage or probable loss:

(1) You must give us written notice if:

(a) You want our consent to replant beans damaged due to any insured cause. (To qualify for a replanting payment, the acreage replanted shall be at least the lesser of 10 acres or 10 percent of the insured acreage on the unit.);

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

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

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

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

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

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

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

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

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

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

(b) Harvest of the unit; or

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

b. You must obtain written consent from us before you destroy any of the beans which are not to be harvested.

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

9. Claim for indemnity.

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

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

(2) Harvest of the unit; or

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

b. We shall not pay any indemnity unless you:

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

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

c. The indemnity shall be determined on each unit of dry edible beans by:

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

(2) Subtracting therefrom the total production of dry edible beans to be counted (see section 9g):

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

(4) Multiplying this result by your share.

d. The amount of indemnity for any unit of bush varieties of garden seed beans shall be determined by subtracting the value of production from the dollar amount of insurance and multiplying the remainder by the insured share.

(1) The value of production is obtained by multiplying, by variety, the total production to be counted by the applicable price per pound at which indemnities shall be computed of the amount designated:

(a) By the actuarial table; or

(b) By the contract with the seed company.

(2) The dollar amount of insurance is obtained by multiplying, by variety, the production guarantee per acre by the insured acreage, and the result by the price per pound at which indemnities shall be computed which shall be the amount designated by:

(a) The actuarial table; or

(b) The contract with the seed company.

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

f. The indemnity shall be reduced by the amount of any replanting payment.

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

(1) Mature dry edible beans:

(a) Which otherwise are not eligible for quality adjustment shall be reduced .12 percent for each .1 percentage point of moisture in excess of 18.0 percent; or

(b) Threshed beans of the classes of pea and medium white with a pick in excess of 4 percent and of any other classes which, due to insurable causes, do not grade No. 2 or better, in accordance with the Official United States Grain Standards, shall be adjusted by multiplying the number of pounds of such beans by the conversion factor designated by the actuarial table for the applicable grade or pick; or

(c) Which, due to insurable causes, do not meet any U.S. Grade or pick shown in the actuarial table, or if a conversion factor is not designated by the actuarial table, any threshed beans which do not grade No. 2 or better in accordance with the Official United States Grain Standards shall be adjusted by:

(i) Dividing the value per hundredweight of such beans, as determined by us, by the price per hundredweight of U.S. No. 2 beans (except that for the classes of pea and medium white, the price shall be the local market price per hundredweight for these classes with a 4 percent pick); and

(ii) Multiplying the result by the number of pounds of such beans.

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

(2) Appraised production to be counted shall include:

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

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

(c) Any appraised production on unharvested acreage.

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

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

(b) Is harvested; or

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

(4) We may determine the amount of production of any unharvested beans on the basis of field appraisals conducted after the end of the insurance period.

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

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

h. A replanting payment may be made on any insured beans replanted after we have given consent and the acreage replanted is at least the lesser of 10 acres or 10 percent of the insured acreage for the unit.

(1) No replanting payment will be made on acreage:

(a) On which our appraisal exceeds 90 percent of the guarantee;

(b) Initially planted prior to the date we determine reasonable; or

(c) On which a replanting payment has been made during the current crop year.

(2) The replanting payment per acre will be your actual cost per acre for replanting, but shall not exceed the product obtained by multiplying 100 pounds times the price election times your share.

If the information reported by you results in a lower premium than the actual premium determined to be due, the replanting payment will be reduced proportionately. Any replanting payment will be considered as an indemnity.

i. You shall not abandon any acreage to us.

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

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

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

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

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

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

10. Concealment or fraud.

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

11. Transfer of right to indemnity on insured share.

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

12. Assignment of indemnity.

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

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

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

14. Records and access to farm.

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

15. Life of contract: Cancellation and termination.

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

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

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

crop year for the contract on which the amount is due. The date of payment of the amount due:

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

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

d. The cancellation and termination dates are:

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

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

16. Contract changes.

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

17. Meaning of terms.

For the purposes of dry bean crop insurance:

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

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

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

d. "Harvest" means the completion of combining or threshing of beans on the unit.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

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

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

h. "Pick" means the percentage, on a weight basis, of the defects such as splits, damaged (including discolored) beans, contrasting classes and foreign material remaining in the beans after dockage has been removed by the proper use of screens or sieves.

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

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

k. "Unit" means all insurable acreage of either dry edible beans or bush varieties of garden seed beans in the county on the date of planting for the crop year:

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

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

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

18. Descriptive headings.

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

19. Information collection requirements.

Information collection requirements contained in these regulations (7 CFR Part 433) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Nos. 0563–0003 and 0563–0007.

Approved by the Board of Directors on April 26, 1983.

Dated: June 15, 1983.

Merritt W. Sprague,

Manager.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

[FR Doc. 83-16569 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-08-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 948

West Virginia Permanent Regulatory Program; Review of State Program Amendments

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

ACTION: Reopening of public comment period; extension of public comment period.

SUMMARY: OSM is reopening the period for review and comment on revised regulations submitted by the State of West Virginia to amend its permanent regulatory program which was conditionally approved by the Secretary of the Interior under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Specifically, OSM is reopening the comment period to allow the public sufficient time to consider and comment on revisions made to proposed regulations submitted by West Virginia on February 16, 1983.

In addition, OSM is concurrently extending the public comment period announced May 19, 1983, with regard to modifications submitted by West Virginia on April 27, 1983, to satisfy certain conditions on the Secretary of the Interior's approval of the West Virginia program. The public comment period for these modifications is being extended because the revisions recently submitted may impact the modifications submitted by the State to satisfy the conditions.

DATE: Written comments not received on or before 4:00 p.m. on July 7, 1983 will not necessarily be considered.

ADDRESSES: Written comments should be mailed or hand-delivered to: Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, Attention: West Virginia Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

See **"SUPPLEMENTARY INFORMATION"** for addresses where copies of the West Virginia program amendment and administrative record on the West Virginia program are available. Each requestor may receive, free of charge, one single copy of the proposed program amendment by contacting the OSM Charleston Field Office listed above.

FOR FURTHER INFORMATION CONTACT: David H. Halsey, Director, Charleston Field Office, Office of Surface Mining Reclamation and Enforcement 603

Morris Street, Charleston, West Virginia 25301, Telephone: (304) 347-7158.

SUPPLEMENTARY INFORMATION: Copies of the West Virginia program amendment, the West Virginia program and the administrative record on the West Virginia program are available for public review and copying at the OSM offices and the Office of the State Regulatory Authority listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Charleston Field Office, 603 Morris Street , Charleston, West Virginia 25301, Telephone: (304) 347-7158

Office of Surface Mining Reclamation and Enforcement, 1100 "L" Street NW., Room 5315, Washington, D.C., Telephone: (202) 343-7896

West Virginia Department of Natural Resources, Room 630, Building 3, 1800 Washington Street, East, Charleston, West Virginia 25305, Telephone: (304) 348-9160

In addition, copies of the amendment are available for inspection and copying during the regular business hours at the following locations:

Office of Surface Mining Reclamation and Enforcement, Morgantown Area Office, 75 High Street, Room 229, Morgantown, West Virginia 26505, Telephone: (304) 291-4004

Office of Surface Mining Reclamation and Enforcement, Beckley Area Office, 119 Appalachian Drive, Beckley, West Virginia 25801, Telephone: (304) 255-5265.

The West Virginia program was conditionally approved by the Secretary of the Interior on January 21, 1981 (46 FR 5915-5956). On February 16, 1983, the State of West Virginia submitted to OSM an amendment to its conditionally approved permanent regulatory program. On March 4, 1983, OSM announced receipt of the amendment, procedures for public comment and an opportunity for a public hearing (48 FR 9308). The proposed program amendment consisted of proposed regulations which had been revised from those approved and in force as emergency regulations. In addition, West Virginia indicated that the proposed regulations did not incorporate the provisions of the Technical Handbook of Standards and Specifications for Mining Operations as regulation as done in the State's conditionally approved program. Instead, design criteria had been incorporated into the proposed regulations and, where necessary, appropriate references made to the Technical Handbook. The Technical Handbook would serve as a technical guideline, rather than regulation. Therefore, the amendment deleted the Technical Handbook as regulation and incorporated it as a program element. Based on review of the amendment and public comments received during the comment period which ended on April 4, 1983, OSM provided the State with a list of deficiencies found in the February 16 amendment (Administrative Record Number WV 500). On June 3, 1983, OSM and the State met to discuss these deficiencies. Following this meeting, the State on June 13, 1983, submitted revisions to its February 16, 1983, amendment intended to resolve the identified deficiencies (Administrative Record No. WV 498). The State also submitted a list of the revisions made to th February 16 amendment which should provide reviewers with a clear indication of the revisions being made.

Also, inasmuch as the revisions to the proposed regulations may impact the modifications submitted by the State on April 27, 1983, to satisfy certain conditions on the Secretary's approval of the West Virginia program, OSM is extending the public comment period announced on May 19, 1983 (48 FR 22586).

Dated: June 16, 1983.

William B. Schmidt,

Assistant Director, Program Operations and Inspection.

[FR Doc. 83-16774 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 265

Fee Waiver Policy for Providing Customer Addresses to Government Agency Requesters

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service proposes to begin, in most cases, charging the regular fee for providing address information to Federal, State, and local government agency requesters. This proposal affects the administration of the Postal Service's information disclosure policies and is consistent with the Freedom of Information Act.

At the present time, the Postal Service provides a customer's new mailing address, if known; to a member of the public upon request for a $1.00 fee. If required for official duties, government agencies are given a customer's new address or a verification of the current address upon request, at no charge. Under this proposal, government agency requesters, with certain limited exceptions, would also be charged the $1.00 fee for each request.

DATE: Comments must be received on or before July 22, 1983.

ADDRESS: Written comments should be mailed or delivered to the Records Office, Room 8121, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, D.C. 20260-5010. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, in Room 8121 at the above address.

FOR FURTHER INFORMATION CONTACT: John Gunnels (202) 245-4797.

SUPPLEMENTARY INFORMATION: The Postal Service currently provides to any person or government agency, upon request, the new mailing address of any specific postal customer who has filed a Form 3575, *Change-of-Address Order*, or other similar notification.[1] Private individuals requesting change-of-address information are charged a $1.00 fee, while the fee is waived for qualified requests from Federal, State, and local government agencies. In order to qualify for the fee waiver, the government agency is required to certify in writing that the information is needed in the performance of the agency's official duties and that all other known sources for obtaining the new address have been exhausted. All government agencies must meet this requirement before the Postal Service will process a request. Many agencies use forms that have the certification preprinted. The agency gives the name and last known address of the postal customer and mails the request form to the post office serving the last known address.

The Postal Service now proposes to change the policy of waiving the fee for government agencies. In responding to government agency requests for address information, the Postal Service is expending considerable time and effort for which it is not being reimbursed. This is inconsistent with the Postal

[1] In addition to change-of-address information, government agencies may also be provided with verification of a customer's current address. "Verification" means advising an agency whether or not its address for a postal customer is one at which mail for that customer is currently being delivered. "Verification" does not mean or imply knowledge on the part of the Postal Service as to the actual residence of the customer or the actual receipt by the customer of mail delivered to that address. While the Postal Service has already begun to provide this verification service (see Postal Bulletin No. 21406, June 2, 1983), the regulation is published here as § 265.6(d)(7) and comments on it are invited. Any such comments will be considered by the Postal Service in the course of its on-going review of its disclosure practices.

Service's policy that the cost of providing a service be borne primarily by those receiving the service. In addition, there is no statutory provision that exempts Federal, State, or local government agencies from payment of such fees.

The proposed rule would modify the provisions in 39 CFR 265.8(e)(8) by revoking the waiver of the fee for providing address information to most Federal, State, and local government agencies. Specifically, the fee will be waived only for requests from: (1) Local government *law enforcement officers* (defined as one whose primary functions are the investigation of crimes, or the apprehension or detention of persons suspected or convicted of violations of the criminal laws of the applicable jurisdiction); (2) Federal and State *law enforcement officers* who have confirmed that the information is needed during the course of a *criminal investigation;* (3) *court officials* when requesting the mailing address of a customer sought in connection with jury service; and (4) Federal, State, and local *public health officials* when the persons being sought are infected with or have been exposed to contagious diseases.

The rationale for the first exception above is that post offices directly benefit from the general community protective services provided by local law enforcement officers. The value of these services more than compensates for the costs involved in furnishing address information to these officials. The other three exceptions involve relatively few requests in number. Coupled with the public benefit involved, a continued waiver for them is considered to be justified.

The proposed rule would have the effect of causing Federal, State, and local government agency requesters, with the four exceptions, to pay the same fee for address information as that charged to the general public, or to use alternative, less costly methods available from the Postal Service for obtaining correct addresses; e.g., address correction service, mailing list correction service, and certified mail return receipt. However, agencies would no longer be required to certify that all other known sources for obtaining the address have been exhausted, as is currently required.

Finally, the proposed 39 CFR 265.8(e)(8) would also delete the provision for waiving the fee for telegraph companies when the U.S. Government is the sender of the telegram (an infrequent occurrence), but would retain the fee waiver for postage meter manufacturers when they are attempting to locate a missing meter.

As mentioned above, the Postal Service also provides three other methods by which any customer may obtain address information at a lesser fee than that for the change-of-address service:

The address correction service (Domestic Mail Manual (DMM) 159.3) provides an individual's new address (if known by the Postal Service) or reason for nondelivery to any mailer when mail is undeliverable as addressed and the mail is endorse "Address Correction Requested." The information provided comes from the same source used to respond to requests for change-of-address information. The fee is 25 cents for each address correction or notification of reason for nondelivery. It is important to realize that mailers who use the "Address Correction Requested" endorsement may assume, in the great majority of cases, that if the mail is not returned and no Form 3547, *Notice to Mailer of Correction in Address,* is received, the mail was "good as addressed." Payment for address correction notices furnished to Federal agencies is made under the official mail reimbursement program (DMM 945.154).

Under provisions of the mailing list correction service (DMM Section 945), the Postal Service will correct the names and addresses on the mailing lists of members of Congress, Federal agencies, departments of State governments, municipalities, religious, fraternal, and recognized charitable organizations and mailing lists used by concerns or persons for the solicitation of business. The fee is 13 cents for each corrected name or address with a minimum charge of $1.00 for each list. Payment for correction of lists submitted by Federal agencies is made under the official mail reimbursement program (DMM 945.154).

The certified mail service (DMM 912) provides the mailer with a mailing receipt and a record of delivery at the office of address. The fees for certified mail is 75 cents in addition to postage. A return receipt showing to whom, date, and address where delivered may be requested at the time of mailing for an additional fee of 70 cents. Certified First-Class Mail (weighing 12 ounces or less) is forwarded free of any additional fees or forwarding postage charges and is eligible for directory service (DMM 159.25) at the office of address. Mailers using the certified mail service and requesting a return receipt will therefore receive notification of the address to which the Postal Service delivered the mail or the mail will be returned to the mailer as undeliverable with the reason for nondelivery indicated on the return receipt. The fees and postage may be paid by ordinary postage stamps, meter stamps, or permit imprints. The fees and postage on official mail of Federal Government agencies and departments are collected under the official mail reimbursement program (DMM 912.41).

Requesters are encouraged to routinely use the address correction, mailing list correction, and certified mail return receipt services rather than submitting individual requests for address information. Those services will be less expensive under this proposal. Also, the Postal Service is able to provide more expeditious responses through these services. The address correction service, for example, is handled within the mail forwarding system, a part of the Postal Service's automated mailstream. Individual address requests, on the other hand, must be read and processed; consequently, the responses are somewhat slower and the administrative costs are proportionately higher.

If the Postal Service adopts the proposed rule, requesters, should they choose to use the service, will have three options available to then for payment of the fee for individual address information requests (1) Payment may accompany the request. The fees for multiple requests submitted at the same time may be paid in a lump sum. (2) Payment may be made when the processed request is returned, in the same general manner as the payment for postage-due mail is handled. (3) If the anticipated volume warrants, an advance deposit account may be set up at the requester's serving post office and the fees deducted from that account. Specific procedures for submitting requests and payment of the fees will be announced prior to the effective date of this policy.

In summary, when requesters use alternative services instead of submitting an individual address request, both the requester and the Postal Service benefit. The requester benefits by receiving correct address information quickly and inexpensively, and the Postal Service benefits through the reduction of costs involved in furnishing addresses outside the normal mail processing system.

An advance copy of this notice has been sent to a number of Federal agencies to ensure that they have the opportunity to evaluate the impact of these proposed policy changes on their programs.

Although exempt by 39 U.S.C. 410(a) from the requirements of the Administrative Procedure Act, 5 U.S.C. 553 (b), (c), regarding the publication of notices of proposed rulemaking, the

Postal Service invites public comment on the following proposed revisions to title 39, Code to Federal Regulations:

List of Subjects in 39 CFR Part 265

Freedom of information, Postal Service.

PART 265—RELEASE OF INFORMATION

1. In § 265.6, paragraph (d)(7) is redesignated as paragraph (d)(8) and new paragraph (d)(7) is added reading as follows:

§ 265.6 Availability of records.

* * * * *

(d)* * *

(7) The address of a postal customer will be verified at the request of a Federal, State, or local government agency upon written certification that the information is required for the performance of the agency's duties. "Verification" means advising such an agency whether or not its address for a postal customer is one at which mail for that customer is currently being delivered. "Verification" neither means nor implies knowledge on the part of the Postal Service as to the actual residence of the customer or as to the actual receipt by customer of mail delivered to that address.

2. In § 265.8, new paragraph (d)(4) is added, and paragraph (e)(8) is revised to read as follows:

§ 265.8 Schedule of fees.

* * * * *

(d)* * *

(4) *Verification of address.* The fee for verifying a postal customer's current address to a government agency in accordance with § 265.6(d)(7) is $1.00 per address. This fee is not refundable, but may be waived in accordance with § 265.8(e)(8).

(e) * * *

(8) *Waiver of fees for changes of address and address verification.* The fees prescribed by § 265.8(d)(3) and (d)(4) are waived when address information is provided to:

(i) Local government law enforcement officers;

(ii) Federal and State law enforcement officers who confirm that the information is needed during the course of a criminal investigation;

(iii) Court officals such as judges, clerks, or jury commissioners upon prior written request when requesting the mailing address of any customer sought in connection with jury service;

(iv) Federal, State, and local public health officials for the purpose of locating persons who are infected with or who have been exposed to contagious diseases;

(v) Any individual in a compelling emergency; and,

(vi) Manufacturers of postage meters attempting to locate a missing meter.

For the purposes of this provision, a law enforcement officer is any employee of the Federal government, or of any State or local government, whose primary functions are the investigation of crimes, or the apprehension or detention of persons suspected or convicted of violations of the criminal laws of the applicable jurisdiction.

(39 U.S.C. 401; 5 U.S.C. 552)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83-16752 Filed 6-21-83; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 716

[OPTS-84006; FRL TSH-FRL 2375-4]

Health and Safety Data Reporting; Submission of Lists and Copies of Health and Safety Studies

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This is a proposal to add to the list of chemical substances and mixtures for which lists and copies of unpublished health and safety studies must be submitted under section 8(d) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2607(d). The chemical substances proposed to be added were recommended for testing by the Interagency Testing Committee (ITC), established under section 4(e) of TSCA, in its Eleventh Report to EPA. EPA is also proposing to add a designated mixture containing substances recommended by the ITC in its Tenth Report.

DATE: Comments must be submitted on or before July 22, 1983.

ADDRESS: Written comments should bear the document control number OPTS-84006 and should be submitted to: TSCA Public Information Office (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Room E-108, 401 M St., SW., Washington, D.C. 20460.

All written comments filed under this notice will be available for public inspection in Rm. E-107 at the address given above from 8:00 a.m. to 4:00 p.m. Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jack P. McCarthy, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the U.S.A.: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 2, 1982 (47 FR 38780), EPA issued regulations under section 8(d) of TSCA to require submission of lists and copies of unpublished health and safety studies on specifically listed chemicals by chemical manufacturers and processors. Other persons in possession of such studies may be asked to submit them on a voluntary basis. The rule established standardized reporting requirements and provides for amending the list of chemicals subject to the rule. Chemicals may be added that have been recommended by the ITC for testing consideration under section 4 of TSCA or have been separately selected by the Environmental Protection Agency for evaluation.

The ITC, established under section 4(e) of TSCA (15 U.S.C. 2603(e)), recommends chemical substances, categories of substances, and mixtures for priority consideration by EPA in the issuance of testing rules under section 4(a) of TSCA (15 U.S.C. 2603(a)). Section 4(e) directs the ITC to revise its list of recommendations every six months as the ITC determines to be necessary.

When recommending chemicals to EPA for testing, the ITC can add these chemicals to the section 4(e) Priority List either one of two ways. A chemical can be designated for response by EPA within 12 months or recommended but not designated for response within 12 months. Chemicals recommended by the ITC can be added to the section 8(d) rule under the automatic reporting provision of the rule (40 CFR 716.17(b)). However, up to the time the section 8(d) rule was developed, all of the ITC's recommendations had included designation for EPA response within 12 months. Therefore, the rule and preamble did not distinguish between chemicals that are designated and those recommended but not designated for 12-month review. Therefore, only 12-month designated chemicals will be added under 40 CFR 716.17(b). EPA is preparing an amendment to the section 8(d) rule which will change 40 CFR 716.17(b) to clearly include chemicals recommended by the ITC but not designated for 12-month review.

However, prior to adoption of such an amendment, non-designated chemicals will be added by notice and comment rulemaking under § 716.17(a) of the rule.

Under 40 CFR 716.17(a), EPA proposes to amend the list of chemicals by adding the carbofuran intermediates and certain trimethylbenzenes which were added to the section 4(e) Priority List, but not designated for response by EPA within 12 months, by the ITC in its Eleventh Report. Also, EPA is proposing to add a designated mixture named "Aromatic C_9 fraction from petroleum refining" which is primarily composed of mixed trimethylbenzenes (1,2,3-trimethylbenzene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene) and mixed ethyltoluenes (ortho-, meta-, and para-ethyltoluene). 1,2,4-trimethylbenzene and ethyltoluene (mixed isomers) were designated by the ITC in its Tenth Report. The other trimethylbenzenes were recommended in the ITC's Eleventh Report. EPA is adding this designated mixture because EPA intends to respond to the ITC's recommendations on mixed ethyltoluenes and the trimethylbenzenes by proposing that an aromatic C_9 fraction (containing these substances) be tested. The Agency's proposed action for these substances was published in the **Federal Register** of May 23, 1983 (48 FR 23088).

Comments are solicited on this amendment to the list of chemicals on which reporting of lists and copies of health and safety studies is required under section 8(d) of TSCA.

We propose to add the following chemical substances and designated mixture.

Chemicals Proposed for Addition to Rule

Chemical Substances

Substances	CAS Nos.
Trimethylbenzene (mixed isomers)	25551-13-7
1,2,3-Trimethylbenzene	526-73-8
1,3,5-Trimethylbenzene	108-67-8
Methallyl 2-nitrophenyl ether	13414-54-5
7-Amino-2,2-dimethyl-2,3-dihydrobenzofuran	68298-46-4
7-Nitro-2,2-dimethyl-2,3-dihydrobenzofuran	13414-55-6

Designated Mixtures

Aromatic C_9 fraction from petroleum refining: The C_9 fraction is primarily composed of 1,2,3-trimethylbenzene (CAS No. 526-73-8), 1,2,4-trimethylbenzene (CAS No. 95-63-6), 1,3,5-trimethylbenzene (CAS No. 108-67-8), mixed trimethylbenzenes (CAS No. 25551-13-7), ortho-ethyltoluene (CAS No. 611-14-3), meta-ethyltoluene (CAS No. 620-14-4), para-ethyltoluene (CAS No. 622-96-8), and mixed ethyltoluenes (CAS No. 25550-14-5) in varying proportions.

Under the rule implementing section 8(d) of TSCA, EPA will acquire unpublished health and safety studies on these chemicals from manufacturers and processors of the chemicals. The Agency will use the studies to support its investigations of the risks posed by the chemicals and, in particular, to support its decisions whether to require industry to test chemicals under section 4 of TSCA.

Economic Impact

EPA estimates that these additional chemicals will cost industry $43,400 to submit the required data.

	Dollars
Corporate Rule Review	18,300
Corporate Review (site identification)	3,400
File Search	7,300
Title Listing	300
Photocopying (materials)	400
Photocopying (labor)	1,400
Managenal Review	10,800
Ongoing Reporting	1,500
Total	43,400

If we assume ±30 percent margin of error in these estimates the range of probable cost varies from $30,400 to $56,400.

Public Record

EPA has established a public record (docket number OPTS-84006) for this rulemaking document which, along with a complete index, is available for inspection in the OPTS Reading Room, Rm. E-107 from 8:00 a.m. to 4:00 p.m. on working days (401 M St., SW., Washington, D.C., 20460). This record includes basic information considered by the Agency in developing this rule. The Agency will supplement the record with additional information as it is received. The record includes the following:

1. Health and Safety Study Reporting Regulations (40 CFR Part 716), Public Record, Docket No. 084003.

2. Reports Impact Analysis for 40 CFR Part 716 and this rulemaking.

3. Tenth and Eleventh Reports of the Interagency Testing Committee (ITC); 47 FR 22585 (Tenth Report) and 47 FR 54626 (Eleventh Report).

4. **Federal Register** notice and entire record compiled to date in C_9 test rule.

EPA anticipates adding to the rulemaking record the following types of information:

1. All comments on this proposed amendment.

2. All relevant support documents and studies.

3. Records of all communications between EPA personnel and persons outside the Agency pertaining to the development of this rule. (This does not include any inter- or intra-agency memoranda unless specifically noted in the index of the rulemaking record.)

4. Minutes, summaries, or transcripts of any public meetings held to develop this rule.

EPA will identify the complete rulemaking record on or before the date of promulgation of the regulation, as prescribed by section 19(a)(3) of TSCA, and will accept additional material for inclusion in the record at any time between this notice and such designation. The final rule will also permit persons to point out errors or omissions in the record.

Regulatory Assessment Requirements Paperwork Reduction Act, Executive Order 12291, and Regulatory Flexibility Act

The final section 8(d) rule (40 CFR Part 716) has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act (PRA) of 1980 U.S.C. 3501 *et seq.* The OMB control number is 2070-0004.

The proposed amendment was submitted to OMB for review as required by Executive Order 12291.

This amendment will not have a significant economic impact on a substantial number of small entities. Only 18 companies are expected to report under this rule. Therefore, in accordance with the Regulatory Flexibility Act (Pub. L. 96-354), EPA has determined that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 716

Chemicals, Health and safety, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements.

Dated: May 20, 1983.

Don R. Clay,

Acting Assistant Administrator for Pesticides and Toxic Substances.

PART 716—[AMENDED]

Therefore, it is proposed that 40 CFR 716.17 be amended by adding pararaphs (a)(5) and (b)(1) to read as follows:

§ 716.17 Substances and designated mixtures to which this subpart applies.

(a) * * *

(5) As of the date of publication of the final rule amendment in the **Federal Register**, the following chemical substances are subject to this subpart.

Substances	CAS Nos.
Trimethylbenzene (mixed isomers)	25551-13-7
1,2,3-Trimethylbenzene	526-73-8
1,3,5-Trimethylbenzene	108-67-8
Methallyl 2-nitrophenyl ether	13414-54-5
7-Amino-2,2-dimethyl-2,3-dihydrobenzofuran	68298-46-4
7-Nitro-2,2-dimethyl-2,3-dihydrobenzofuran	13414-55-6

(b)(1) *Designated Mixtures.* As of the date of publication of the final rule amendment in the **Federal Register**, the following designated mixtures are subject to this subpart.

Designated Mixtures

Aromatic C_9 fraction from petroleum refining: the C_9 fraction is primarily composed of 1,2,3-trimethylbenzene (CAS No. 526-73-8), 1,2,4-trimethylbenzene (CAS No. 95-63-6), 1,3,5-trimethylbenzene (CAS No. 108-67-8), mixed trimethylbenzenes (CAS No. 25551-13-7), ortho-ethyltoluene (CAS No. 611-14-3), meta-ethyltoluene (CAS No. 620-14-4), para-ethyltoluene (CAS No. 622-96-8), and mixed ethyltoluenes (CAS No. 25550-14-5) in varying proportions.

(2) [Reserved]

* * * * *

[FR Doc. 83-16547 Filed 6-21-83; 8:45 am]
BILLING CODE 6560-50-M

LEGAL SERVICES CORPORATION

45 CFR Part 1627

Limitations on Transfer of Corporation Funds by Recipients and on Certain Expenditures

AGENCY: Legal Service Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule creates a new Part 1627 governing transfers of Corporation funds by recipients to other organizations. There are, at present, no Corporation regulations governing this area and, consequently, there is inadequate control over and accountability for such transfers. This proposed rule requires prior written Corporation approval for all subgrants and for most categories of payment of fees and dues and contributions of Corporation funds, but not for routine training expenditures.

DATE: Comments must be received on or before July 22, 1983.

ADDRESS: Comments may be addressed to Office of General Counsel, Legal Service Corporation, 733 Fifteenth Street, NW., Room 620, Washington, D.C. 20005.

FOR FURTHER INFORMATION CONTACT: John Meyer, Deputy General Counsel, (202) 272-4010.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to a December 1982 resolution of the Corporation's Board of Directors, a condition was attached to all recipient's 1983 grants which reads:

> None of the funds awarded hereunder may be utilized for the payment of program membership fees or dues to any organization unless prior written approval is obtained from the Corporation, except that no prior approval shall be necessary if the payment of such fees or dues is made in order to qualify for Professional Liability Insurance at reducted rates (for 1983 only), for the payment of any mandatory fees or dues to any bar association of fees to any health insurance provider.

On April 15, 1983, the Director of the Office of Field Services, sent a memorandum to the regional offices, one section of which gave detailed guidelines as to the interpretation and administration of this grant condition.

Objections to this section of the memorandum were immediately raised by concerned organizations. Consideration of these objections has convinced the Corporation that policy concerning fees and dues should be embodied in a regulation adopted through the full regulatory process of public discussion and comment.

Furthermore, discussion of the question of recipient transfers of Corporation funds among themselves and to other organizations has shown that there are other forms of transfer of Corporation funds, in particular subgrants, which are not addressed in the Corporation's regulations. Consequently, the Corporation has found it desirable to issue a comprehensive proposed regulation covering this entire area.

Subgrants

A subgrant is defined in Section 1627.2(b) as a transfer by grant or contract of funds received by a recipient from the Corporation to an organization for the purpose of carrying out a part of the recipient's prpgram (a recipient is defined more broadly than in the Act to include also grantees or contractors under Sections 1006(a)(1)(B) and 1006(a)(3) of the Act). Excepted from this definition are contracts for services rendered directly to the recipient (i.e., accounting services, general counsel, management consultants, computer services, etc.) and all contracts with private attorneys and law firms for direct provision of legal services to eligible clients.

The regulation requires prior, written Corporation approval of all subgrants. The intent of the regulation is that recipients be free to contract for services and that private bar involvement programs not be required to seek approval for their contracts with individual attorneys or law firms for provisions of legal services; however, transfers of Corporation funds to other organizations which then carry out a part of the recipient's program require Corporation approval.

In order to further promote accountability for Corporation funds, audit responsibilities are clearly defined and provision is made that any disallowed costs may be recovered from either the subgrantee or subgrantor. As most Corporation grants and contracts are for a period of one year, this is the maximum term allowed for a subgrant without renewed Corporation approval.

Membership Fees and Dues

All fees and dues except four specific categories require prior, written Corporation approval. The four excepted categories are: (1) Fees or dues paid to qualify for professional liability insurance at reduced rates, (2) mandatory bar association fees or dues, (3) fees or dues to a health insurance provider or paid to qualify for health insurance at reduced rates, and (4) any fees or dues of $25 or less.

In order to concentrate Corporation resources on the direct delivery of legal services, the maximum annual expenditure of Corporation funds for all fees and dues, except for categories 1 and 3 discussed above and routine training and education activities, is set at $750 or one-half of one percent of a recipient's funding, whichever is greater.

A recipient may not contribute Corporation funds to any other organization, because the Corporation does not consider such contributions, however worthy, a proper use of taxpayer funds.

Categories of Disapproved Expenditures

The regulation prohibits expenditures to accomplish or promote indirectly activities, such as voter registration, for which direct expenditures are prohibited. This prohibition applies to fees, dues, contributions, and training and educational activities.

List of Subjects in 45 CFR Part 1627

Legal Services, Grant programs.

For the reasons set out in the preamble, 45 CFR Chapter XVI is proposed to be amended by adding Part 1627 to read as follows:

PART 1627—LIMITATIONS ON TRANSFER OF CORPORATION FUNDS BY RECIPIENTS AND ON CERTAIN EXPENDITURES

Sec.
1627.1 Purpose.
1627.2 Definitions.
1627.3 Requirements for all subgrants.
1627.4 Membership fees and dues.
1627.5 Contributions.
1627.6 Transfers to other recipients.
1627.7 Training and education activities.
1627.8 Tax sheltered annuities, retirement accounts and pensions

Authority: Sec. 1008(e) Pub. L. 93-355, 88 Stat. 378 (42 U.S.C. 2996g(e)).

§ 1627.1 Purpose.

In order to promote accountability for Corporation funds and the observance of the provisions of the Legal Services Corporation Act and the Corporation's regulations adopted pursuant thereto, it is necessary to set out the rules under which Corporation funds may be transferred by recipients to other organizations (including other recipients).

§ 1627.2 Definitions.

(a) "Recipient" as used in this part means any recipient as defined in Section 1002(6) of the Act *and* any grantee or contractor receiving funds from the Corporation under Section 1006(a)(1)(B) or 1006(a)(3) of the Act.

(b)(1) "Subgrant" as used in this Part shall mean any transfer of funds received from the Corporation by a recipient to any organization for the purpose of carrying out a portion of the recipient's program under a grant or contract from the Corporation; it shall not include a contract for services to be rendered directly to the recipient, nor shall it include any contract with private attorneys or law firms for the direct provision of legal services to eligible clients.

(2) "Subgrantee" as used in this Part shall mean any organization receiving a subgrant.

(c) "Membership fees and dues" as used in this Part shall mean fees or dues paid to an organization on behalf of a program or individual to be a member thereof, or to acquire voting or participatory rights therein; it shall also include fees and dues required by a professional licensing body. The term "membership fees and dues" shall not include one-time fees or expenses for programs or individuals to participate in routine training and education activities.

§ 1627.3 Requirements for all subgrants.

(a)(1) All subgrants must be submitted in writing to the Corporation for prior, written approval. The submission shall include the terms and conditions of the subgrant and the amount of funds intended to be transferred.

(2) The Corporation shall have 45 days to approve, disapprove, or suggest modifications to the subgrant. A subgrant which is disapproved or to which modifications are suggested may be resubmitted for approval. Should the Corporation fail to take action within 45 days, the recipient shall notify the Corporation of this failure and, unless the Corporation responds within 7 days of the receipt of such notification, the subgrant shall be deemed to have been approved.

(3) Any subgrant not approved according to the procedures of paragraph (a)(2) of this section shall be subject to audit disallowance and recovery of all the funds expended pursuant thereto.

(b)(1) A subgrant may not be for a period longer than one year.

(2) All subgrants shall contain a provision providing for their orderly termination in the event that the recipient's funding is terminated or the recipient is not refunded and for suspension of activities if the recipient's funding is suspended.

(3) A substantial change in the work program of a subgrant or an increase or decrease in funding of more than 10% shall require Corporation approval pursuant to the provisions of § 1627.3(a). Minor changes of work program or changes in funding of less than 10% shall not require prior Corporation approvel, but the Corporation shall be informed in writing thereof.

(c) The responsibility for assuring the proper expenditure of funds by the subgrantee rests with the recipient. The recipient is also responsible for auditing the subgrantee's expenditure of funds. The recipient may either: (1) Include a subgrantee's audit in its annual audit or (2) audit the subgrantee as a part of its annual audit. A subgrant agreement may provide for alternate means of assuring the propriety of subgrantee expenditures, especially in instances where a large organization receives a small subgrant. In such alternate means are approved by the Audit Division of the Corporation, the information provided thereby shall satisfy the recipient's annual audit requirement with regard to the subgrant funds.

(d) The recipient shall be responsible for repaying the Corporation for any disallowed expenditures by a subgrantee, irrespective of whether the recipient is able to recover such expenditures from the subgrantee.

§ 1627.4 Membership fees and dues.

(a) No Corporation funds may be used for membership fees or dues to any organization, whether on behalf of a recipient or an individual, without prior written approval by the Corporation, except that the following payments may be made without such approval:

(1) Fees or dues paid to an organization in order to qualify for professional liability insurance at reduced rates, provided the reduction in rates is reasonably comparable to the amount of the payment;

(2) Mandatory fees or dues to a bar association, Supreme Court or professional licensing body;

(3) Fees or dues paid to a health insurance provider or to an organization in order to qualify for health insurance at reduced rates, provided the reduction in rates is reasonably comparable to the amount of the payment; and

(4) Any fees or dues of $25 or less, provided they do not fall under the prohibitions set forth in § 1627.4(d).

(b) In order to prevent a significant diversion of funds from the direct provision of legal services to eligible clients, the Corporation has determined that the total of any one recipient's annual expenditure on membership fees and dues should be strictly limited. With the exception of categories (1) and (3) listed in § 1627.4(a), that total shall not exceed one-half of one per cent of the recipient's annualized funding level or $750, whichever is greater.

(c) In determining whether to grant a specific request to use funds for fees or dues, preference will be given to such uses as: (1) Payment of voluntary bar association dues and similar dues for paralegal and legal service or law office administrator organizations; and (2) the provision of special training related to activities designed to enhance the skill of program staff in provision of legal services to clients. Training relating to skills the use of which is often not permissible if supported with Corporation funds (e.g. lobbying) shall not be approved.

(d) No request for payment of fees or dues shall be approved if the effect of that payment would be allowed recipients to use Corporation funds indirectly in areas (such as lobbying, political activities, voter registration) for which direct expenditures by recipients are prohibited or severely restricted under the Act, Corporation regulations (45 CFR Chapter XVI), or Corporation Guidelines or Instructions. Consequently, the Corporation will deny permission for payment of fees or dues to organizations whose activities would violate the Act, or Corporation Regulations, Guidelines or Instructions.

§ 1627.5 Contributions.

Any contributions of Corporation funds to another organization or to an individual are prohibited.

§ 1627.6 Transfers to other recipients.

(a) The requirements of § 1627.3 shall apply to all subgrants by one recipient to another recipient.

(b) The subgrantee shall audit any funds subgranted to it in its annual audit and supply a copy of this audit to the subgrantor. The subgrantor shall either make the relevant part of this audit a part of its next annual audit or, if it applies to an audit recently submitted, submit it as an addendum to that recently submitted audit.

(c) In addition to the provisions of § 1627.3(d), the Corporation may hold the subgrantee directly responsible for any disallowed expenditures of subgrant funds. Thus, the Corporation may recover all of the disallowed costs from either subgrantor or subgrantee or may divide the recovery between the two; the Corporation's total recovery may not exceed the amount of expenditures disallowed.

(d) Funds received by a recipient from other recipients in the form of fees and dues shall be accounted for and included in the annual audit of the recipient receiving these funds as Corporation funds.

§ 1627.7 Training and education activities.

(a) Corporation funds may be utilized to pay for participation of programs and individuals in routine training and educational activities.

(b) No recipient shall expend Corporation funds for training or educational activities or utilize Corporation funds to pay for programs or individuals to participate in outside training or educational activities if the effect of such payment would be to allow the use of these program funds:

(1) For purposes for which direct expenditures are prohibited under the Act, Corporation regulations (45 CFR Chapter XVI), or Corporation Guidelines of Instructions; or

(2) For training or educational activities in areas in which program involvement is prohibited (such as political activities or voter registration, etc.) or in areas wherein only limited and incidental activities are allowed (such as lobbying).

§ 1627.8 Tax sheltered annuities, retirement accounts and pensions.

No provision contained in this Part shall be construed to prohibit or restrict any payment by a recipient on behalf of its employees for the purpose of contributing to or funding a tax sheltered annuity, retirement account, or pension fund.

Dated: June 16, 1983.

Alan R. Swendiman,

General Counsel.

[FR Doc. 83-16626 Filed 6-21-83; 8:45 am]

BILLING CODE 6820-35-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 83-517; RM-4412]

TV Broadcast Stations in Baytown, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television channel 57 to Baytown, Texas, as its first television outlet, in response to a request by William M. McKnight.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 1983.

ADDRESS: Federal communications Commission, Washington, DC. 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 (Baytown, Texas); MM Docket No. 83-517, Rm-4412.

Adopted: May 19, 1983.

Released: June 9, 1983.

By the Chief; Policy and Rules Division.

1. The Commission has before it a petition filed by William M. McKnight ("petitioner") to assign UHF television channel 57 to Baytown, Texas. Baytown (population 56,923),[1] is located in Harris County (population 2,409,544) approximately 32 kilometers (20 miles) east of Houston. Petitioner states that the assignment would provide the first television channel to Baytown, a city described as having considerable growth potential. The proposed assignment meets all spacing requirements of our Rules. Petitioner states that he will promptly apply for a construction permit to build the broadcast facility, if the channel is so assigned.

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

	Channel No.	
	Present	Proposed
Baytown, Texas		57+

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 25, 1983, and reply comments on or before August 9, 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

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

an *ex parte* presentation and shall not be considered in the proceeding.

(Secs. 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 submission by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of 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. 83-16809 Filed 6-21-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 82-778; RM-4201; RM-4329]

TV Broadcast Stations in Block Island and Newport, Rhode Island; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action solicits comments on two mutually exclusive proposals to assign UHF television Channel 69 as a first local outlet either to Block Island, Rhode Island or to Newport, Rhode Island, as requested by Venture Research Group and Response Broadcasting Corporation, respectively.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 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 broadcast.

Further Notice of Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Block Island and Newport, [1] Rhode Island); BC Docket No. 82-778, RM-4201, RM-4329.

Adopted: May 19, 1983.

Released: June 10, 1983.

By the Chief; Policy and Rules Division.

1. The Commission has before it the Notice of Proposed Rule Making, 47 FR 54522 (published December 3, 1982) proposing to assign UHF TV Channel 69 to Block Island, Rhode Island in response to a petition by Venture Research Group ("Venture"). A counterproposal was filed by Response Broadcasting Corporation ("Response") to assign Channel 69 to Newport, Rhode Island. Venture submitted a reply. The channel cannot be assigned to both communities because of mileage separation requirements.

2. Block Island (population 489)[2] is located off the coast of Rhode Island approximately 45 kilometers (29 miles) southeast of Newport. Venture states that Block Island's economy consists of tourism which provides approximately 80% of its revenues. Venture adds that the area to be served by the proposed facility would include the affluent coastline communities of East Hampton, New York; Mystic, Connecticut; Newport, Rhode Island; and Martha's Vineyard, Massachusetts, all within 45 miles. No TV channel is presently assigned to Block Island. Venture states that it will apply for operation on the proposed channel if it is assigned.

3. Response asserts that assignment of Channel 69 to Newport would bring service to the Rhode Island coast which would benefit most from the assignment of a new television station. Response states that Newport is the largest city in Newport County with a population of 29,259 [3]. Response claims that its proposed facility could serve all of Rhode Island, including Block Island, and parts of Massachusetts, Connecticut and New York. Response contends that Block Island, with a population of fewer than 500 people, has an inadequate financial base for Venture's proposed operation and that likely site locations would make it difficult for a station assigned to Block Island to serve the market's entire Area of Dominant Interest. No TV channel is presently assigned to Newport. Response did not make the requisite commitment to apply for operation on the channel if it is assigned as requested.

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[1] This community has been added to the caption.

[2] Population figures are taken from the 1970 U.S. Census. Block Island is not listed in the 1980 U.S. Census, Advance Reports.

[3] Population figure is taken from the Advance Reports, 1980 U.S.Census, Advance Reports.

4. In reply comments, Venture asserts that Block Island is isolated from the mainstream of commerce and government of Rhode Island and has a special need for the proposed outlet, which would broadcast news, public affairs and other programming directed to the needs and interests of Block Island residents. Venture states that Block Island receives only one Grade A television service, from Station WLNE(TV), (Channel 6) New Bedford, Massachusetts; and three Grade B services, from Stations WJAR–TV (Channel 10) and WPRI–TV (Channel 12) and WSTG (Channel 64) Providence, Rhode Island.

5. Venture also claims that service to eastern Long Island would be greatly enhanced by a station on Block Island. Venture adds that eastern Long Island receives Grade A coverage from only two television Stations, WLNE in New Bedford and WFSB (Channel 3), Hartford, Connecticut and, in addition, Grade B coverage is provided to portions of eastern Long Island from Stations WVIT (Channel 30) New Britain, Connecticut; WTNH–TV (Channel 8), New Haven, Connecticut; WTXX (Channel 20), Waterbury, Connecticut; and WSNL–TV, Smithtown, New York. Venture adds that coverage of eastern Long Island would be impractical from Newport.

6. Venture states that Newport already receives Grade A coverage from television Stations WJAR–TV WPRI–TV, WLNE–TV, Providence, WLVI–TV, Cambridge, Massachusetts, and WXNE–TV and WSBK–TV, Boston, Massachusetts; and Grade B coverage from Station WBZ–TV, WCVB–TV and WQTV, all in Boston, and WSMW–TV in Worcester, Massachusetts. Venture adds that its proposal for Block Island would cover about 500 miles of coastal resort shoreline and that programming could be directed exclusively to the needs of the coastal communities, with extra weathercasts, boating workshops, yacht races and fishing reports. Venture claims that a Newport station would have the majority of its viewers in the Providence-New Bedford urban areas and be forced economically to program for them. Venture questions the ability of the Providence-New Bedford market to support a third independent station and states that the financial base for a Block Island station lies in the affluent and demographically homogenous residents of the coastal area.

7. Absent an expression by Response of its intent to apply for operation on Channel 69 if assigned to Newport, such assignment could not be made. We can only speculate at this point as to Response's interest in this matter. Our policy is to assign channels to communities only upon a demand therefor. We will provide Response or any other interested person the opportunity to indicate its interest in a Newport channel by filing comments to this Further Notice. Parties may also submit additional data in their comments concerning the comparative factors for each community including more data on which television signals are presently provided to Block Island and Newport; the coverage that each proposal could provide beyond its community of license; the populations to be served by the respective proposals, and other relevant information.

8. In view of the foregoing, we believe that the public interest would be served by our soliciting further comments on the proposals to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, with regard to the following communities:

City	Channel No.	
	Present	Proposed
Option I:		
Block Island, Rhode Island		69–
Option II:		
Newport, Rhode Island		69+

9. Canadian concurrence is required for the Newport proposal.

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

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

11. Interested parties may file comments on or before July 25, 1983, and reply comments on or before August 9, 1983, and are advised to read the Appendix for the proper procedures.

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the 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.

13. 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* contract 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 filing 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. 83-16811 Filed 6-21-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-520; RM-4417]

TV Broadcast Stations in Chandler, Minnesota; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel *46 to Chandler, Minnesota, for noncommercial educational broadcast use, as the result of a petition by West Central Minnesota Educational Television Company.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 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, (Chandler, Minnesota); MM Docket No. 83-520, RM-4417.

Adopted: May 19, 1983.
Released: June 8, 1983.
By the Chief; Policy and Rules Division.

1. The Commission has before it a petition filed by West Central Minnesota Educational Television Company ("West Central") to assign and reserve UHF television Channel *28 to Chandler, Minnesota, for noncommercial eductional broadcast use. Chandler (population 344) [1] is located in Murray County (population 11,507), approximately 260 kilometers (160 miles) southwest of Minneapolis, Minnesota. West Central states its intention to apply for operation on the channel, if so assigned.

2. The proposed assignment of Channel 28 to Chandler would be short spaced to a pending proposal to assign Channel 43 to Redwood Falls, Minnesota, MM Docket 83-92. We find, however, that Channel 46 can be assigned to Chandler with no short spacing to existing or proposed assignments.

3. We conclude that the public interest would be served by our proposing the amendment of the TV Table of Assignments, § 73.606(b) of the Commission's Rules, for the following community:

	Channel No.	
	Present	Proposed
Chandler, Minn.		*46

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 25, 1983, and reply comments on or before August 9, 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 Februry 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.

(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*

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

Making to which this Appendix is attached.

2. *Showing Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporate 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 Rule and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, 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. 83-16813 Filed 6-21-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-513; RM-4399; RM-4421]

FM Broadcast Stations in Cross City, Florida; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign FM Channels 269A and 292A to Cross City, Florida, in response to separate petitions filed by Seashore Broadcasting Corporation and by Cross City Broadcasting. The proposed assignments could provide Cross City with its first and second local FM broadcast service.

DATES: Comments must be filed on or before July 25, 1983, and reply comments must be filed on or before August 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rulemaking

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Cross City, Florida, MM Docket No. 83-513, RM-4399, RM-4421.

Adopted: May 19, 1983.

Released: June 8, 1983.

1. The Commission has before it for consideration two separate petitions for rule making requesting the assignment of Class A channels to Cross City, Florida. The first petition, filed by Seashore Broadcasting Corporation ("Seashore") (RM-4399), seeks the assignment of Channel 292A, while that of the second petitioner, Cross City Broadcasting ("Cross") (RM-4421), requests the allocation of Channel 269A. Each petitioner stated their intention to apply for the channels, if assigned as proposed.

2. Although Seashore submitted demographic data, that information is not required to support the requested assignment in light of the Commission's action in BC Docket No. 80-130, *Revision of FM Assignment Policies and Procedures*, 90 F.C.C. 2d 88 (1982).

3. Channel 269A may be assigned in conformity with the minimum distance separation requirements of § 73.207 of the Commission's Rules. However, Channel 292A require a site restriction of 0.8 miles southwest of Cross City to avoid short spacing on the co-channel to Station WPXE-FM, Starke, Florida.

4. In view of the fact that the proposals could provide a first and second local FM broadcast service to Cross City, the Commission believes it appropriate to propose amending the FM Table of Assignments, § 73.202(b) of the Rules, as follows:

City	Channel No.	
	Present	Proposed
Cross City, Fla.		269A, and 292A

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 25, 1983, and reply comments on or before August 9, 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 Fed. Reg. 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Proposed Rule Making* is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are

prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division, Mass Media Bureau.

Appendix

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

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

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

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

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

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

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

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply commnents, 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 it headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 83-16804 Filed 6-21-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-512; RM-4408]

FM Broadcast Stations in Roswell, New Mexico; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 263 to Roswell, New Mexico, as the city's third FM assignment, in response to a request by Mountain Top Radio.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 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.

Notice of Proposed Rulemaking

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Roswell, New Mexico), MM Docket No. 83-512; RM-4408.

Adopted: May 19, 1983.

Released: June 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition by Mountain Top Radio [1] to amend the FM Table of Assignments, § 73.202(b) of our Rules, by adding Class C FM Channel 263 to Roswell, New Mexico, as the city's third FM assignment. Petitioner states that it will apply for authority to operate an FM station on Channel 263, if the channel is assigned as proposed. The proposed assignment meets all spacing requirements of our Rules. Coordination with the Mexican government is required as the assignment is within 320 kilometers (199 miles) of the U.S.-Mexican border.

2. In view of the foregoing, we conclude that the public interest would be served by our proposing the amendment of the FM Table of Assignments for the following community:

	Channel No.	
	Present	Proposed
Roswell, N. Mex	235, 246	235, 246, and 263.

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 25, 1983, and reply comments on or before August 9, 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

[1] Petitioner is the permittee of a new AM broadcast station at Ruidoso, New Mexico.

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.

6. For further information concerning this proceeding, contact Philip 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 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 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. 83-16603 Filed 6-21-83; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-515; RM-4398]

FM Broadcast Stations in Stephenville, Texas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of Channel 252A to Stephenville, Texas, in response to a petition filed by Ms. R. K. Jack. The assignment could provide a second local FM service to Stephenville.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Stephenville, Texas), MM Docket No. 83-515, RM-4398.

Adopted: May 19, 1983.
Released: June 9, 1983.

By the Chief, Policy and Rules Division.

1. A petition for rule making was filed February 28, 1983, by Ms. R. K. Jack ("petitioner") proposing the assignment of Channel 252A to Stephenville, Texas, as that community's second FM assignment. Petitioner submitted information in support of the proposal and expressed an interest in applying for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements.

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

City	Channel No.	
	Present	Proposed
Stephenville, Tex.	269	252A, 269

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 25, 1983, and reply comments on or before August 9, 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 of 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 goven 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, NW., Washington, D.C.

[FR Doc. 83-16806 Filed 6-21-83; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-514; RM-4431]

FM Broadcast Stations in Susanville, California; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to substitute FM Class C Channel 226 for Channel 224A in Susanville, California, as requested by Radio Lassen in order to improve the coverage of its Station KSUE–FM.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 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.

Notice of Proposed Rulemaking

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Susanville, California), MM Docket No. 83–514, RM–4431.

Adopted: May 19, 1983.
Released: June 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission has before it a petition filed by Radio Lassen ("Lassen"), licensee of Station KSUE–FM, Susanville, California, to substitute Class C FM Channel 226 for Channel 224A on which it now operates. Lassen states that it seeks to serve the rural areas of Lassen County but is now hampered by the low power of its station.

2. Lassen asserts that outlying communities, twenty to forty miles from Susanville, do not receive adequate coverage from Station KSUE–FM, although the communities depend upon Lassen County officials for information and direction in planning, law

enforcement, education, public works and environmental matters.

3. We conclude that the public interest would be served by our proposing the following amendment of the FM Table of Assignments, § 73.202(b) of the Commission's Rules:

City	Channel No.	
	Present	Proposed
Susanville, Calif	224A	226

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 25, 1983, and reply comments on or before August 9, 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 Philip 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 FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

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

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

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

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

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

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

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

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

FR Doc. 83-16805 Filed 6-21-83; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 83-519; RM-4419]

TV Broadcast Stations in Gayles or Shreveport, Louisiana; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 45 to Gayles, Louisiana, or Shreveport, Louisiana, as the result of a petition filed by Saul Dresner.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 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 Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations. (Gayles or Shreveport, Louisiana), MM Docket No. 83-519, RM-4419.

Adopted: May 19, 1983.
Released: June 9, 1983.
By the Chief, Policy and Rules Division.

1. The Commission has before it a petition filed by Saul Dresner ("petitioner") to assign UHF television Channel 45 to Gayles, Louisiana. Petitioner states that Gayles is the seat of Caddo Parish and has a population of 182,064. [1] The 1980 U.S. Census Advance Report lists the population of Caddo Parish to be 252,294. According to our sources, Gayles cannot be found as a community on any map or Atlas index, which raises a question as to the validity of Gayles as a community. Based on the description of Gayles, it appears that petitioner is referring to Shreveport, the seat of Caddo Parish. The 1980 population of Shreveport is 205,815 persons. Petitioner should submit information regarding the status of Gayles, or in the alternative, request that the channel be assigned to Shreveport. Petitioner states that he, or an entity of which he is a part, will promptly apply for operation on the channel, if it is assigned.

2. We conclude that the public interest would be served by our soliciting comments on alternative amendments to the TV Table of Assignments, § 73.606(b) of the Commission's Rules, for the following communities:

City	Channel No.	
	Present	Proposed
A. Gayles, Louisiana		45+
Or		
B. Shreveport, Louisiana	3–, 12, *24–, and 33	3–, 12, *24–, 33, and 45+

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 25, 1983, and reply comments on or before August 9, 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.

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

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

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

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

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

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

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

[FR Doc. 83-16811 Filed 6-21-83; 8:45 am]

BILLING CODE 6712-01-M

[1] This population figure is provided by petitioner from the Standard Rate and Data Service, Inc. of Skokie, Illinois.

47 CFR Part 73

[MM Docket No. 83-518; RM-4400]

TV Broadcast Stations in Gulf Shores, Alabama; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken herein proposes to assign UHF television Channel 55 to Gulf Shores, Alabama, in response to a petition filed by Monty McVicker. The assignment could provide Gulf Shores with its first television allocation.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 1983.

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

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

Proposed Rule Making

In the matter of amendment of § 73.606(b), Table of Asssignments, TV Broadcast Stations, (Gulf Shores, Alabama): MM Docket No. 83-518, RM-4400.

Adopted: May 19, 1983.
Released: June 9, 1983.

By the Chief, Policy and Rules Division.

1. Before the Commission is a petition for rule making filed by Monty McVicker requesting the assignment of UHF television Channel 55 to Gulf Shores, Alabama, as that community's first television allocation. Petitioner indicates that he, or an entity of which he is a part, will apply for the channel, if assigned.

2. Gulf Shores (population 1,233),[1] in Baldwin County (population 78,440), is located on the Gulf Coast, approximately 64 kilometers (40 miles) southeast of Mobile, Alabama.

3. We believe that petitioner's proposal warrants consideration. The channel can be assigned consistent with the minimum distance separation requirements of § 73.610 of the Commission's Rules.

4. In view of the foregoing, and the fact that the proposed television assingment could provide a first television allocation to Gulf Shores, Alabama, the Commission believes that it is appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's rules, as follows:

City	Channel No.	
	Present	Proposed
Gulf Shores, Ala		55

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 25, 1983, and reply comments on or before August 9, 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 §§ 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 Nancy V. Joyner, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all ex parte contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission. Any comment which has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

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

Federal Communications Commission.

Roderick K. Porter,

Chief, Policy and Rules Division Mass Media Bureau.

Appendix

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

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

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

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

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

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

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

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

Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's Rules.)

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

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

[FR Doc. 83-16810 Filed 6-21-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-511; RM-4415]

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

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes the assignment of UHF television Channel 25 to Tequesta, Florida, in response to a petition filed by Saul Dresner. This assignment could provide a first local television service to Tequesta.

DATES: Comments must be filed on or before July 25, 1983, and reply comments on or before August 9, 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 Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Tequesta, Florida). MM Docket No. 83-511, RM-4415.

Adopted: May 19, 1983.
Released: June 8, 1983.

By the Chief, Policy and Rules Division.

1. The Commission herein considers a petition for rule making, filed March 28, 1983, by Saul Dresner ("petitioner"), seeking the assignment of UHF television Channel 25 to Tequesta, Florida, as that community's first television assignment. Petitioner submitted information in support of the proposal and stated his intention to apply for the channel, if assigned. The channel can be assigned in compliance with the minimum distance separation requirements, and other technical criteria.

2. Tequesta (population 3,685),[1] in Palm Beach County (population 573,125), is located in southeastern Florida, approximately 24 kilometers (15 miles) north of West Palm Beach.

3. In view of the fact that Tequesta could receive its first local television broadcast service, the Commission will seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's rules) for the following community:

City	Channel No.	
	Present	Proposed
Tequesta, Fla		25

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 25, 1983, and reply comments on or before August 9, 1983, and are advised to read the Appendix for the proper procedures.

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

7. For further information concerning this proceeding, contact Mark N. Lipp, Mass Media Bureau, (202) 634-6530. However, members of the public should note that from the time a *Notice of Porposed 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 and *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

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

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. 83-16802 Filed 6-21-83; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-516; RM-4414]

TV Broadcast Stations in Tolleson, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 51 to Tolleson, Arizona, in response to a petition filed by Saul Dresner. The proposed assignment could provide a first television broadcast service to Tolleson.

DATES: Comments must be filed on or before July 25, 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 Medial Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Notice of Proposed Rulemaking

In the matter of amendment of § 73.606(b), Table of Assignments, TV Broadcast Stations (Tolleson, Arizona), MM Docket No. 83-516, RM-4414.

Adopted: May 19, 1983.
Released: June 9, 1983.
By the Chief, Policy and Rules Division.

1. Saul Dresner ("petitioner") submitted a petition for rule making on March 28, 1983, requesting the assignment of UHF television Channel 51 to Tolleson, Arizona, as a first television 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. Tolleson (population 4,433)[1], seat of Maricopa County (population 1,509,030), is a suburb of Phoenix, Arizona.

3. Since the assignment of UHF television Channel 51 to Tolleson, Arizona, is within 320 kilometers (199 miles) of the United States-Mexican border, the concurrence of the Mexican government must be obtained.

4. Based on the information provided by the petitioner, we believe that an adequate showing has been made for a first television assignment in tolleson. Comments are invited on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the Commission's Rules) with regard to the following community:

City	Channel No.	
	Present	Proposed
Tolleson, Ariz.		51

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 25, 1983, and reply comments on or before August 9, 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 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

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

file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

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

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

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

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

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

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

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

[FR Doc. 83-16807 Filed 6-21-83; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Population of Woodland Caribou Found in Washington, Idaho, and Southern British Columbia

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine as Endangered the population of woodland caribou *(Rangifer tarandus caribou)*, sometimes known as the southern Selkirk Mountain herd, found in extreme northeastern Washington, northern Idaho, and southern British Columbia. This isolated herd is the only population of caribou that still regularly occurs in the conterminous United States. The population has fallen to only 13 to 20 individuals, a level that probably cannot sustain the herd much longer. At least one or two adults and subadults are being lost each year, calf survival is apparently low, and there is evidently no immigration from other herds in Canada. The population is jeopardized by such factors as poaching, habitat loss to timber harvesting and wildfires, collisions with motor vehicles, and genetic problems through inbreeding. The premature death of even one more animal could mean the difference between survival and extinction for the herd. The population has already been listed as Endangered through an emergency rule, but that rule will expire on September 12, 1983, and permanent protection by the Endangered Species Act is now required.

DATES: Comments from the public and the States of Idaho and Washington must be received by August 22, 1983. Public hearing requests must be received by August 8, 1983.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Bldg., Suite 1692, 500 N.E. Multnomah Street, Portland, Oregon 97232. Comments and materials received will be available for public inspection by appointment during normal business hours at the Service's Idaho Field Station, 4620 Overland Road, Room 209, Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Mr. Sanford R. Wilbur, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Northeast Multnomah Street, Portland, Oregon 97232 (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

According to the most recent taxonomic work (Banfield, 1961; Hall, 1981), the reindeer of Eurasia and the caribou of North America belong to a single species, *Rangifera tarandus*. The species is divided into a number of subspecies, among which is the woodland caribou *Rangifera tarandus caribou*). This subspecies once occupied nearly the entire forested region from southeastern Alaska and British Columbia to Newfoundland and Nova Scotia. In the 48 conterminous States of the United States, populations are known to have occurred in Washington, Idaho, Montana, Minnesota, Wisconsin, Michigan, Vermont, New Hampshire, and Maine. Largely because of killing and habitat alteration by people, indigenous caribou disappeared from New England by about 1908 and from the Great Lakes States by 1940. A few individuals, probably wanderers from Canada, were observed in northeastern Minnesota in 1980–1981 (Mech, Nelson, and Drabik, 1982). There had been no recorded sightings in Montana since 1971, but in 1981, a lone animal was reportedly seen in the northwestern part of the State (Chadwick, 1982). This animal was probably also a wanderer from Canada and not a member of the herd that is the subject of this proposal. There are still substantial numbers of woodland caribou in Canada, though populations there have been generally declining.

The only caribou population that still regularly occupies the conterminous United States is found in northern Idaho and northeastern Washington. This population, sometimes called the southern Selkirk Mountain herd, also occurs in southern British Columbia. The total approximate area of utilization is bounded as follows: starting at the point where the Columbia River crosses the Washington-British Columbia border; thence northward along the Columbia River to its confluence with the Kootenay River in British Columbia; thence northeastward along the Kootenay River to its confluence with Kootenay Lake; thence southward along Kootenay Lake and the Kootenay River, and across the Idaho-British

Columbia border, to the town of Bonners Ferry, Idaho; thence southward along U.S. Highway 95 to the Pend Oreille River, thence westward and northward along the Pend Oreille River, and across the Idaho-Washington State Line, to the Washington-British Columbia border; thence westward along the Washington-British Columbia border to the point of beginning. Any caribou within these boundaries are considered a part of the population which this proposal would classify as Endangered. It is possible, however, that portions of the herd may on occasion be found outside these geographical limits.

Early records suggest that in the 19th century, caribou were plentiful in the mountains of northeastern Washington, northern Idaho, northwestern Montana, and adjacent parts of southwestern Canada. As in the case of other big game animals of North America, unrestricted hunting probably led to a major reduction of caribou numbers in this region by 1900. From that time until fairly recently, the numerical status of the southern Selkirk herd was not completely clear. Freddy (1974) thought that this herd probably contained fewer than 50 animals after 1900. Flinn (1956) and Evans (1960), however, estimated that there were still about 100 individuals in the population during the 1950s. In any event, there has been a sharp decline in recent decades, since estimates in the 1970s were about 20 to 30 caribou in the herd, and the latest data indicate a count of only 13 to 20.

In addition to the factors listed below, the decline and continued low numbers of the southern Selkirk herd apparently result from low calf survival and absence of immigration from other herds. The only source for immigrants is British Columbia, but there has been a general decline in woodland caribou in that province (British Columbia Ministry of Environment, 1981). Moreover, the southern Selkirk herd is separated from other herds by barriers, such as Kootenay Lake and the human settlements in Kootenay Valley, and by substantial distance. The nearest herd is about 30 miles away, on the east side of Kootenay Lake in southeastern British Columbia; it contains about 40 animals (Guy Woods, British Columbia Fish and Wildlife Branch, Ministry of Environment, Nelson, British Columbia, pers. comm.).

It now appears that the southern Selkirk Mountain population of woodland caribou has become the most critically endangered mammal in the United States. In the **Federal Register** of February 9, 1981 (46 FR 11567–11568), the Service published a notice accepting two petitions to add the population to the U.S. list of Endangered and Threatened Wildlife, and announced its intention to issue a proposal to this effect. At that time, the population was estimated to contain 20 to 30 individuals, about the same as during the previous decade.

Since the notice was published, evidence has accumulated that the status of the southern Selkirk herd has deteriorated badly. The latest field data indicate an actual count of only 13 individuals of all ages in the herd, though there may be a few more animals that were not counted. Such a population size is far below the minimum necessary to insure survival in the face of natural contingencies, even disregarding the host of human-caused problems described below. Moreover, small population size, along with lack of genetic exchange with other populations leads to inbreeding. This factor reduces adaptiveness, viability, and fecundity, and may result in extinction. Recent studies suggest that the minimum genetically effective size of a population of large mammals is 50 individuals (Franklin, 1980; Soule, 1980). Other studies have shown that inbreeding in populations of various species of hoofed mammals, including *Rangifer tarandus*, is associated with a significant increase in juvenile mortality (Ralls, Brugger, and Ballou, 1979). Such a condition could be responsible for low calf survival in the southern Selkirk population.

Additional losses, even the premature death of a single animal, could be disastrous, and yet the potential for such losses is great and increasing. Habitat disruption is continuing without full consideration of the needs of the caribou. Poaching occurs regularly; in the most recent known case, a mature female was shot on the Canadian side of the border in October 1982. Existing regulations have not been effective in either stopping poaching or preventing serious habitat disturbance. Roads continue to be constructed in caribou range, allowing greater access for hunters and setting up possible collisions between vehicles and caribou. Johnson (1976) suggested that a single accident along an icy winter road, where the caribou have gathered to feed on salt, could wipe out a significant part of the herd.

Any of these problems could at any time result in losses that would be irreversible and reduce the herd to a point at which recovery is no longer feasible. With respect to these problems, the Service considered it necessary to immediately implement all available protective measures and to begin full-scale recovery planning. Therefore, an emergency determination of Endangered status for the southern Selkirk caribou population was issued in the **Federal Register** of January 14, 1983 (48 FR 1722–1726). That emergency rule will remain in effect until September 12, 1983. The Service is now proposing permanent Endangered status for the caribou population.

Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 amendments) set forth the procedures for adding species to the Federal list. The Secretary of the Interior shall determine whether any species is an Endangered Species or a Threatened Species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors, and their application to the southern Selkirk Mountain population of woodland caribou, are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Surveys conducted in the 1950s found about 50–100 woodland caribou in the southern Selkirk population. Since then, the number has declined to 13–20 animals. The downward trend was caused, in part, by past logging practices (including road construction) in the caribou's range.

Timber cutting can potentially affect caribou habitat by eliminating escape cover, migration corridors, and lichen production. Food availability is probably not now limiting this caribou population. However, if the population is to be restored to a viable level, estimated by the Forest Service to be about 100 animals, the production of lichens, the primary winter food, would probably have to increase. Timber management strategies would have to be developed which provide timber stands that optimize lichen production.

Currently, the U.S Forest Service is utilizing caribou management guidelines to design timber sales in caribou habitat. These guidelines are intended to minimize the effects of logging on caribou and also to develop silvicultural prescriptions which may enhance habitat over the long run. Disease and insects, especially spruce bark beetles, are presently impacting timber stands within historic caribou habitat, thereby further complicating management. Salvage sales have taken place and others are planned to remove much of the diseased timber and reduce the

spread of bark beetles. Although these sales are being designed utilizing the caribou guidelines, studies and monitoring are necessary to evaluate the actual response of the caribou. Timber harvesting may prove helpful in portions of caribou habitat by providing food and cover necessary for the survival of this population. For example, if caribou numbers eventually are limited by lack of food, and if selective tree removal could improve lichen production and availability, then moderate timber harvesting could be beneficial. However, at this time more information is necessary on the response of caribou to timber harvesting and managed timber stands. Current studies may indicate the need for a modification of the guidelines to provide for conservation and recovery. Timber harvesting, if not properly designed, can significantly impact caribou, especially in conjunction with the effects of poaching, highways, and forest roads. Listing of the caribou would place a higher priority on the acquisition of research funds to study caribou-timber management relationships.

Wildfire is a natural phenomenon in the range of the caribou. In the past, wildfire sometimes destroyed caribou cover and winter food. The caribou historically tolerated this natural adverse impact by itself. However, the cumulative effects of logging and wildfire have eliminated a great deal of the southern Selkirk herd's habitat.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* An important cause of the decline of the southern Selkirk caribou herd is human killing, both legal hunting (prior to 1957) and poaching (now and in the past). Caribou are relatively easy for hunters to approach and shoot. Poachers killed at least one animal from this population in 1980, 1981, and 1982 (B. S. Summerfield, U.S. Forest Service, Bonners Ferry, Idaho, pers. comm.).

Poaching losses also occurred in previous years. The problem is greatest where the caribou frequent areas with good road access for hunters, for example, near Trans-Canada Highway No. 3. There are even more roads in the portion of the herd's range in the United States, and the potential for poaching is thus greater there. Fortunately, in the past decade, the herd has spent less time in the United States than in Canada. Had the reverse been true, U.S. caribou poachers might already have eliminated the herd. Finally, there is the possibility that licensed deer and elk hunters could accidentally shoot a caribou.

C. *Disease or predation.* Disease is not known to significantly impact this caribou population. Certain predators, such as the coyote and black bear, occur in moderate numbers in the range of the herd. They are capable of killing caribou calves and may occasionally do so. Other predators, including the gray wolf, grizzly bear, and mountain lion, are at such low numbers as to have no significant effect on the caribou. Recovery of wolf and grizzly populations (both on the U.S. List of Endangered and Threatened Wildlife) would probably not jeopardize the caribou population, if caribou habitat is preserved and restored.

D. *Inadequacy of existing regulatory mechanisms.* Although hunting of the southern Selkirk caribou is prohibited under the laws of Idaho, Washington, and British Columbia, poaching has continued. Such laws also can do little to prevent habitat disruption.

E. *Other natural or manmade factors affecting its continued existence.* Two other factors affect the abundance of this population. Occasionally caribou are killed in collisions with vehicles along Trans-Canada Highway No. 3 at Kootenay Pass, about 5 miles north of the international boundary. Although no highways exist in the U.S. portion of the population's primary habitat, there is potential for caribou-vehicle collisions in caribou habitat on U.S. Forest Service roads used by loggers, miners, and recreationists. Vehicle collisions with deer are known to occur on these roads, so it is reasonable to assume that caribou collisions could occur too. As the number of forest roads and subsequent traffic increases, the threat to caribou of such collisions will increase.

In addition, caribou are by nature wandering animals. Where there are viable caribou herds, a few individuals migrate from one herd to another each year. This tends to equalize caribou "pressure" on the habitat and allows for genetic interchange between herds. As noted above, however, immigration to the southern Selkirk population is apparently not occurring, and the number of caribou in herds closest to the southern Selkirk population is declining. The lack of natural augmentation to the population causes the herd to rely on inbreeding for recruitment and reduces the genetic variablity of the offspring. Reduced genetic variablity reduces the capacity of animals to adjust to changing environmental conditions and results in less vigorous individuals.

Critical Habitat

Section 4(a)(3) of the Endangered Species Act requires the Service to designate the Critical Habitat of a species, concurrent with listing, "to the maximum extent prudent and determinable." In the case of the southern Selkirk Mountain herd of woodland caribou, the Service considers that the designation of Critical Habitat is not prudent. Such a designation would require publication and extensive publicity of the precise areas occupied by the herd and the kind of habitat utilized. There thus would be a serious risk of facilitating poaching. As the loss of even a single animal could be disastrous to the herd, this risk should be avoided.

Effects of This Rule

Endangered species regulations already published in Title 50, § 17.21, of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered wildlife. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale any member of the southern Selkirk population of woodland caribou in interstate or foreign commerce. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the U.S. Fish and Wildlife Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving Endangered wildlife under certain circumstances. Regulations governing such permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes or to enhance the propagation or survival of the species or population. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered if such relief were not available.

Subsection 7(a) of the Endangered Species Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as Endangered or Threatened. This proposed rule requires Federal agencies to satisfy certain statutory obligations relative to the southern Selkirk Mountain population of caribou. Agencies are required by Section 7(a)(4) of the Act to confer with the Service on any action that is likely to jeopardize this population. If the population is added to the list of Endangered and Threatened Wildlife, Federal agencies will be immediately required to insure that the actions they

authorize, fund, or carry out are not likely to jeopardize the continued existence of the population (this requirement is already in effect through the emergency rule of January 14, 1983).

Listing the southern Selkirk caribou as Endangered would increase the management emphasis that agencies place on the population. Listing would further emphasis the national significance of this population. The combination of legal requirements and increased national awareness would produce a number of advantages for the caribou.

First, as indicated above, all Federal actions that may affect the caribou population would come under the purview of the Endangered Species Act. Since most of the range of the population in the United States is within national forests, and since logging activities therein are having impacts on caribou habitat, it is anticipated that some actions authorized, funded, and carried out by the U.S. Forest Service would be affected by this rule. Such effects should not be major, however, since the Forest Service is already attempting to manage its lands with consideration of the caribou's welfare. The emphasis of timber harvesting may have to be shifted from caribou habitat to other areas, and some inconvenience could result, but there should be no substantial effect on timber production. Moreover, this rule would direct the actions of other agencies on national forests towards caribou preservation, and give the Forest Service a greater capability than it now has to manage habitat for the benefit of the caribou. For example, the Forest Service has minimal legal control over its own lands with respect to construction of power lines by the Bonneville Power Adminstration, and the issuance of permits and leases for mineral development by the Bureau of Land Management. Henceforth, such actions would require consultation with the Fish and Wildlife Service to insure that they are not likely to jeopardize the caribou population.

Second, listing the caribou as Endangered would bring Section 6 of the Endangered Species Act into effect. Therefore, the Fish and Wildlife Service would be able to grant funds (if they become available under existing budgetary constraints) to the States of Idaho and Washington for management actions aiding the protection and recovery of the caribou.

Third, the agents of the Service's Division of Law Enforcement could be assigned to enforce the Act's prohibitions against taking. A law enforcement strategy plan could be developed. Without such protection, these agents could only be used if any illegally taken carcass or its parts were transferred in interstate or foreign transportation or commerce.

Fourth, listing the population would provide for the development of a caribou recovery plan. Such a plan would draw together agencies (U.S. and Canadian) having responsibility for caribou conservation. The plan would establish an administrative framework, sanctioned by the Act, for agencies to coordinate activities and cooperate with each other in conservation efforts. The plan would set recovery priorities and estimate the cost of various tasks necessary to accomplish them. It would assign appropriate functions to each agency and a timeframe within which to complete them. The plan would establish a formal blueprint for periodic task review. Each agency may now have its own program for caribou management. These programs would be consolidated and modified into one overall recovery plan that would give consideration to all factors needed for caribou conservation.

Fifth, the U.S. State Department could become involved on behalf of the Fish and Wildlife Service. For example, the State Department could encourage Canadian law enforcement agencies to improve surveillance for poachers seeking caribou in the southern Selkirk population. In addition, the State Department could help to encourage Canadian and provincial government agencies to give special consideration to this caribou population when they propose dams, highways, timber sales, etc. in the Canadian part of the range of the population.

National Environmental Policy Act

A draft environmental assessment has been prepared in conjunction with this proposal. It is on file in the Endangered Species Office, U.S. Fish and Wildlife Service, Room 209, 4620 Overland Road, Boise, idaho 83705, and may be examined by appointment during regular business hours. A determination will be made at the time of a final rule as to whether this is a major Federal action that would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Public Comments Solicited

The Service intends that the rules finally adopted will be as accurate and effective as possible in the conservation of any Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) biological or other relevant data concerning any threat (or the lack thereof) to the population of woodland caribou in Idaho, Washington, and southern British Columbia;

(2) the location of any additional populations of woodland caribou in the conterminous United States, and the reasons why any habitat of this species should or should not be determined to be Critical Habitat as provided by Section 4 of the Act;

(3) additional information concerning the range and distribution of this species; and

(4) current or planned activities in the subject area.

Final promulgation of the regulation on this population of woodland caribou will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, Lloyd 500 Building, Suite 1692, 500 Northeast Multnomah Street, Portland, Oregon 97232 (503/231–6131 or FTS 429–6131).

Author

The primary author of this proposed rule is James A. Nee, U.S. Fish and Wildlife Service, 4620 Overland Road, Room 209, Boise, Idaho 83705.

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List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I Title 50 of the U.S. Code of Federal Regulations, as set forth below.

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 83–205, 87 Stat. 884; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531, *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, to the list of Endangered and Threatened Wildlife under mammals:

§17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*			
Caribou woodland	*Rangifer tarandus caribou*	Canada, U.S.A. (AK, ID, ME, MI, MN, MT, NH, VT, WA, WI).	Canada (that part of south-eastern British Columbia bound by the Canada-U.S.A. border, Columbia River, Kootenay River, Kootenay Lake, and Kootenai River), U.S.A. (ID, WA).	E		N/A	N/A
*	*	*	*	*			

Dated: May 19, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-16779 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposal To Determine Eriogonum Pelinophilum (Clay-loving Wild-Buckwheat) To Be an Endangered Species and To Determine Its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine *Eriogonum pelinophilum* (clay-loving wild-buckwheat) to be an Endangered species and to designate its Critical Habitat under the authority of the Endangered Species Act. Only one population of *Eriogonum pelinophilum*, with 800–1000 individuals, is known. The site of 100 acres is on private land in Delta County, Colorado. The land adjacent to the site has been fenced off into horse corrals and pastures. All vegetation within these areas has been subsequently eliminated by grazing. The only site for the clay-loving wild-buckwheat is under imminent threat of similarly being fenced off, with the probable loss of this species. A final determination that this is an Endangered species would make available certain conservation authorities that could provide for its protection and management. The Service seeks data and comments from the public on this proposal.

DATES: Comments from the public and the state of Colorado must be received by August 22, 1983. Public hearing requests must be received by August 8, 1983.

ADDRESSES: Comments and materials concerning this proposal, preferably in triplicate, should be sent to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225. Comments and materials received will be available for public inspection during normal business hours by appointment at the Service's Regional Office, 134 Union, Fourth Floor, Lakewood, Colorado.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Regional Botanist, Regional Endangered Species Staff (see ADDRESS above), telephone (303) 234–2496; FTS 234–2496.

SUPPLEMENTARY INFORMATION:

Eriogonum pelinophilum was first collected by Harold Gentry in 1958. However, the distinctiveness of his collection was not recognized until Dr. James Reveal (1971) conducted an analysis of the species group. Even then, Reveal (1973) made repeated searches before he relocated the site in 1972 and published the description of the new species the following year. Additional localities have not been found despite extensive field searches of the area by James Ratzloff, then with the Bureau of Land Management.

Eriogonum pelinophilum is a low, rounded subshrub only 4 inches high and 4–8 inches wide with woody stems at the base and herbaceous stems above. The small narrow leaves (5–12 mm long and 1–2 mm wide) are dark green above and densely woolly below

At the ends of the herbaceous branches there are clusters of small white to cream flowers. The plants grow in alkaline clay soils, locally referred to as adobes, on sparsely vegetated badlands of Mancos shale. They are apparently restricted to a band of whitish soil within the badlands.

The single population consists of 800–1000 individuals on 100 acres of private land near Hotchkiss in west-central Colorado. Land adjacent to the population has been fenced off for horse pastures and corrals. As the horses consume all the vegetation within a pasture, additional land has been fenced off for pasture (there is little, if any, possibility of revegetation in this desert area).

The area of the population could be fenced off and overgrazed in the near future. All vegetation including the clay-loving wild-buckwheat would probably be lost. Thus, the species is vulnerable because of its restriction to a particular soil type and endangered by the probable fencing of its habitat and overgrazing by horses therein (Baker, 1981). It is not protected under any Colorado law.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27823) of his acceptance of this report as a petition within the context of Section 4(c)(2) of the 1973 Act (Section 4(b)(3)(A) now), and of his intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant taxa to be Endangered species. This list was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** publication. *Eriogonum pelinophilum* was included in the July 1975 notice (40 FR 27881) and the June 1976 proposal (41 FR 24560).

General comments received in relation to the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909–17916). Comments on this species that are received during the comment period for this new proposal will be summarized in the final rule.

The Endangered Species Act Amendments of 1978 required that all proposals over two years old be withdrawn. On December 10, 1979, the Service published a notice of the withdrawal of the still applicable portions of the June 16, 1976, proposal along with other proposals that had expired (44 FR 70796). The July 1, 1975, notice was replaced on December 15, 1980, by the Service's publication in the **Federal Register** (45 FR 82479–82569) of a new notice of review for plants, which included *Eriogonum pelinophilum*. No comments on this species have been received in response to the 1980 notice. On February 15, 1983, the Service published a notice in the **Federal Register** (48 FR 6752) of its prior finding that the petitioned action on this species may be warranted, in accord with Section 4(b)(3)(A) of the Act as amended in 1982.

In the summer of 1981 new field work was carried out at the site of this wild-buckwheat. The population remains small, with no more than 1000 individuals, and the possibility of fencing the area for subsequent grazing is high. The private landowners are considering whether or not to assist efforts to conserve the species. The Service considers the 1981 field work to be substantial new information that supports reproposing *Eriogonum pelinophilum* to be an Endangered species. Its Critical Habitat is proposed for the first time. Thus we find that the petitioned action is warranted, and hereby publish the proposed rule to implement the action, in accord with Section 4(b)(3)(B)(ii) of the Act.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) states that the Secretary of the Interior shall determine whether any species is an Endangered species or a Threatened species due to one or more of the five factors described in Section 4(a)(1) of the Act. These factors and their application to *Eriogonum pelinophilum* Reveal are as follows:

A. *The present or threatened destruction, modification or curtailment of its habitat or range.* The habitat of *Eriogonum pelinophilum* is limited to a single, sparsely-vegetated area of about 100 acres. The species is in danger of having its habitat fenced off into horse pastures and corrals. Its range would be greatly curtailed if not entirely eliminated. Adjacent areas have already been fenced off, with possible loss of individuals of this species. The sparse vegetation makes it a likely casualty of grazing and grazing likely would prevent its regrowth.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* None apparent.

C. *Disease or predation* (including grazing). As the vegetation in old pastures has been grazed out, adjacent areas have been fenced off for horse pastures and corrals. If the site where *eriogonum pelinophilum* occurs is thus fenced off, the enclosed area will be heavily grazed. Probably, all vegetation including the clay-loving wild-buckwheat would be removed in a short time, as the vegetation has been in the adjacent fenced areas.

D. *Inadequacy of existing regulatory mechanisms.* No Federal or State laws currently protect *Eriogonum pelinophilum* or its habitat. The Endangered Species Act offers possibilities for protection of this species.

E. *Other natural or man-made factors affecting its continued existence.* Because the continuance of this species depends on only one population of 800–1,000 individuals, its survival is endangered by inadvertent actions in the area that do not take its presence into account. Any action that precludes its survival within this single area most likely would result in its extinction. Listing would help to increase awareness of its vulnerability.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species at the time it is listed on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Regulations published in the February 27, 1980 **Federal Register** (45 FR 13009) implement the majority of Section 4 of the Act. In particular, 50 CFR 424.12(b) indicates that known primary constituent elements within the Critical Habitat should be identified.

The proposed Critical Habitat for *Eriogonum pelinophilum* is in Delta County, Colorado, 3½ miles east of Austin on Highway 92. Its northern boundary is formed by the highway. The approximately 100 contiguous acres are at the juncture of sections 26, 27, 34, and 35 in T14S R942. All of the proposed Critical Habitat is on private land. The

known primary constituent element is considered to be the white shale soil of the Mancos shale "adobes" within the proposed Critical Habitat.

Section 4(b)(8) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be affected by such designation. The fencing of the proposed Critical Habitat into horse pastures and corrals would directly impact the vegetation there, including *Eriogonum pelinophilum*. Also, the clay soil may become more compacted by trampling, adversely affecting plant growth. However, since the proposed Critical Habitat is on private land, there would be no impact on the fencing or other private actions from the designation, because Section 7 of the Act regulates only Federal activities (see below).

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a preliminary economic impact analysis and believes that economic and other impacts of this action are not significant in the foreseeable future. The tentative conclusion of this analysis is that designation of Critical Habitat for this species will have no known economic impact on any private persons, businesses, or governmental agencies and that no known Federal activity is ongoing or anticipated which will affect the area so proposed. Interested Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of the proposed action. The Service will prepare a final impact analysis prior to the time of publishing a final rule.

References

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Effect of This Proposal if Published as a Final Rule

In addition to the effects discussed above, the effects of this proposal if published as a final rule would include, but would not necessarily be limited to, those mentioned below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. Provisions for Interagency Cooperation implementing this section are codified at 50 CFR Part 402. This proposed rule requires Federal agencies to confer with the Director on any of their actions that are likely to jeopardize this proposed species, and if published as a final rule, Federal agencies would be required to ensure that actions they authorize, fund or carry out are not likely to jeopardize the continued existence of this species or adversely modify its Critical Habitat. No such Federal involvement or impact is foreseen at this time.

The Act and implementing regulations published in the June 24, 1977 **Federal Register** (42 FR 32373–32381) set forth a series of general trade prohibitions and exceptions that apply to all Endangered plant species. The regulations that pertain to Endangered plants are found at §§ 17.61 and 17.62 of 50 CFR and are summarized below. With respect to *Eriogonum pelinophilum* all trade prohibitions of Section 9(a)(2) of the Act, as implemented by § 17.61, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions could apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving Endangered species, under certain circumstances. No such trade in *Eriogonum pelinophilum* is known. It is anticipated that few trade permits involving the species would ever be requested.

Section 9(a)(2)(B) of the Act, as amended in 1982, states that is it unlawful to remove and reduce to possession Endangered plant species from areas under Federal jurisdiction. This new taking prohibition would not apply to this species, since it is only known from private land.

If this plant is listed as an Endangered species and its Critical Habitat designated, certain conservation authorities would become available and protective measures may be undertaken for it. These could include increased management of the species and its habitat, the possibility of land acquisition if necessary through Section 5 of the Act, the use of Federal and State funds for the species since Colorado has a plant cooperative agreement under Section 6(c)(2) of the Act, and the development of a recovery plan for the species as specified in Section 4(f).

If listed as Endangered under the Act, the Service will review this species to determine whether it should be placed upon the Annex of the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere, which is implemented through Section 8A(e) of the Act, and whether it should be considered for other appropriate international agreements.

National Environmental Policy Act

A draft Environmental Assessment has been prepared in conjunction with this proposal. It is on file in the Service's Denver Regional Office, 134 Union, Lakewood, Colorado, and may be examined by appointment during regular business hours. A determination will be made at the time of any final rule as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500–1508).

Statement of Effects: Certification of Effects on Small Entities (Critical Habitat Only)

Note.—Prior to any final rule on the Critical Habitat of this species, the Department of the Interior will make a determination whether the final rule would be a major rule under Executive Order 12291. At that time it will also make a determination of any effects on small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), and decide whether there would be any information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Public Comments Solicited

The Service intends that any rules finally adopted will be as accurate and effective as possible in the conservation of each Endangered or Threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests, or any other appropriate party

concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

1. Biological, commercial, or other relevant data concerning any threat (or the lack thereof) to the species included in this proposal;

2. The location of and the reasons why any habitat of this species should or should not be determined to be Critical Habitat;

3. Additional information concerning the range and distribution of this species;

4. Current or planned activities in the subject area;

5. The probable impacts on such activities if the area is designated as Critical Habitat; and

6. The foreseeable economic and other impacts of the Critical Habitat designation on small entities, private individuals, Federal activities, Federally funded or authorized projects, etc.

Final promulgation of any rules on *Eriogonum pelinophilum* will take into consideration any comments and additional information received by the Service and such communications may lead to a final rule that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests should be made in writing and addressed to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225.

Author

The primary author of this proposed rule is John Anderson, Endangered Species Staff, U.S. Fish and Wildlife Service, Denver Regional Office, Denver, Colorado (303/234-4600). Dr. Bruce MacBryde of the Service's Washington Office of Endangered Species served as editor.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed regulations promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the U.S. Code of Federal Regulations as follows:

1. **Authority:** This proposal is published under the authority contained in the Endangered Species Act of 1973, as amended: Pub. L. 93-205, 87 Stat. 884; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

§ 17.12 Endangered and threatened plants.

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Polygonaceae	Buckwheat family					
•	•	•	•	•	•	•
Eriogonum pelinophilum	Clay-loving wild-buckwheat	U.S.A. (CO)	NA	E	17.96(a)	NA
•	•	•	•	•	•	•

2. It is proposed to amend § 17.12(h) by adding, in alphabetical order, the following plant:

2. It is further proposed that § 17.96(a) be amended by adding the Critical Habitat of *Eriogonum pelinophilum* after that of (to be determined at the time of any final rule) as follows:

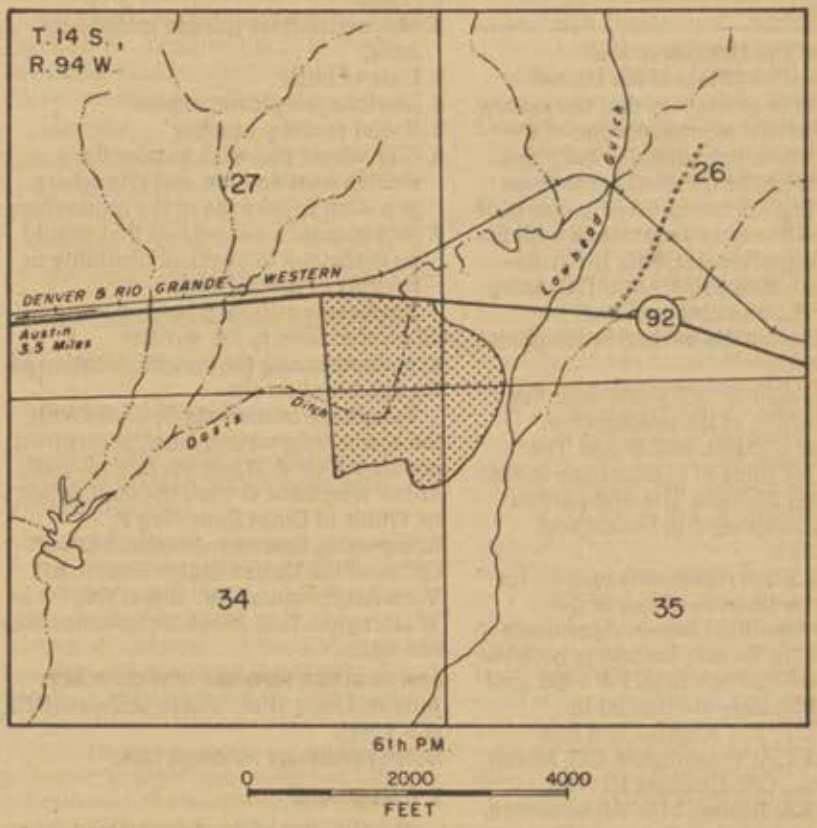
§ 17.96 Flowering plants.

• • • • •

Family Polygonaceae: Clay-loving wild-buckwheat (*Eriogonum pelinophilum*). Colorado, Delta County: 3 and ½ miles east of Austin on Highway 92. The northern boundary is formed by the highway. The approximately 100 contiguous acres are at the juncture of Sections 26, 27, 34, and 35 in T14S R94W. The primary constituent element is the white shale soil of the Mancos shale "adobes" within the area.

CLAY-LOVING WILD-BUCKWHEAT

Delta County, COLORADO



Dated: May 20, 1983.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 83-16784 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

Interpreters in Courts of the United States; Announcement of Spanish/English Certification Examination

AGENCY: Administrative Office of the United States Courts.

ACTION: Notice of Spanish/English Certification Examination for Court Interpreters.

SUMMARY: The Director of the Administrative Office of the United States Courts announces that the agency will conduct the written portion of the certification examination for individual who desires to be certified to serve as Spanish/English interpreters in courts of the United States in accordance with the Court Interpreters Act, Pub. L. No. 95–539, 92 Stat. 2040 (1978) (28 U.S.C. 1827). To sit for the examination, and individual must file written or telephone application.

DATE: The agency will administer the written portion of the examination September 10, 1983, at 9:30 a.m. The deadline for filing of applications is 4:00 p.m. on July 29, 1983. The oral portion will be administered in December/January 1984.

Testing Sites: Applicants may sit for written examination at any of the locations identified below. Applicants must identify the city for taking both the written and oral portions. For 1983, oral examination sites are limited to: Phoenix, AZ; Los Angeles and San Francisco, CA; Washington, DC; Miami, FL; Atlanta, GA; Chicago, IL; New Orleans, LA; Boston, MA; Albuquerque, NM; Manhattan, NY; San Juan, PR; Houston and San Antonio, TX.

Written Testing Sites

Arizona: Flagstaff, Phoenix, Tucson
California: Fresno, Los Angeles, Monterey, Sacramento, San Diego, San Francisco
Connecticut: Hartford
District of Columbia
Florida: Miami, West Palm Beach
Georgia: Atlanta
Illinois: Chicago
Louisiana: New Orleans
Maryland: Baltimore
Massachusetts: Boston
Nevada: Las Vegas, Reno
New Jersey: Newark, Trenton
New Mexico: Albuquerque, Las Cruces, Santa Fe
New York: Manhattan
Puerto Rico: San Juan
Texas: Brownsville, Corpus Christi, Dallas, Fort Worth, Houston, Laredo, San Antonio
Utah: Salt Lake City
Washington: Seattle

Filing: To make application for the examination, either *telephone* or *write* the following information:

1. Name
2. Mailing address (please include zip code)
3. Date of birth
4. Daytime telephone number
5. Social security number
6. City where you wish to take the written examination and city where you wish to take the oral examination
7. Any special arrangement that should be made due to physical disability or keeping of the Sabbath

Applicants will then receive an admission form to the written examination and the specific location of the examination site.

Telephone or mail applications with the above information *must be received not later than 4:00 p.m. on July 29, 1983.* Either telephone or mail the application to: Office of Court Reporting & Interpreting Services, Administrative Office of the United States Courts, 811 Vermont Avenue, NW., Room 776, Washington, D.C. 20544, Telephone (202) 633–6212.

FOR FURTHER INFORMATION CONTACT: John A. Leeth at the above address (FTS 633–6212).

SUPPLEMENTARY INFORMATION:

I. Background

The Director of the Administrative Office of the United States Courts (AOUSC) is responsible for the establishment of a program to facilitate the use of interpreters in courts of the United States. He must prescribe, determine, and certify the qualifications of persons who may serve as certified interpreters in bilingual proceedings and proceedings involving the hearing impaired. 28 U.S.C. 1827(b). Whenever an interpreter is required for a person in any criminal or civil action intiated by the United States, the presiding judicial officer must utilize the services of a certified interpreter, unless no certified interpreter is reasonably available.

The AOUSC will provide the courts with a roster of certified court interpreters selected on the basis of the successful completion of written and oral examinations in English and a foreign language.

II. This Examination

This examination will be a comprehensive written and oral examination for bilingual proficiency in Spanish and English.

The written portion of the examination does not necessarily require the special knowledge of court vocabulary. Each applicant who completes successfully the written portion will be eligible for the oral examination. Successful applicants will receive notice of the time and place of the oral portion of the examination.

The oral portion of the examination will test, in simulated settings, the applicant's ability to (1) Interpret precisely from Spanish to English, in consecutive, simultaneous, and summary modes; (2) interpret from English to Spanish in consecutive, simultaneous, and summary modes; and (3) perform sight interpretation. The oral portion of the examination does not necessarily require previous experience in court interpreting.

III. Qualifications

There are no formal educational requirements for certification, either in languages or interpreting. However, the difficulty of the examination is at the college degree level of proficiency. Successful completion of the oral portion of the examination normally would require prior training or professional experience in simultaneous, consecutive, and summary interpreting.

IV. Duties

Successful completion of the examination will not necessarily lead to fulltime employment. Interpreters satisfy most court needs as independent contractors. However, where full-time interpreters are needed, only certified

interpreters will be eligible for appointment.

As the federal courts require full-time salaried interpreters, these interpreters will be chosen from the eligibility lists. The annual salary range is JSP-10 and JSP-11 ($22,037-$31,861) for full-time salaried interpreters. For certified interpreters who provide services as independent contractors, the fee is $175 per day.

Court interpreters perform all or some of the following duties: (1) Interpret verbatim in simultaneous, consecutive, or summary mode a foreign language into English, and vice versa, at arraignments, preliminary hearings, pretrail hearings, trials, and other court proceedings; (2) transcribe from electronic sound recordings; and (3) translate technical, medical, and legal documents and correspondence for introduction as evidence.

Issued at Washington, D.C., on June 17, 1983.

James E. Macklin, Jr.,

Executive Assistant Director.

[FR Doc. 83-16744 Filed 6-21-83; 8:45 am]

BILLING CODE 6110-01-M

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice.

SUMMARY: Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on July 12, 1983 at 7:00 p.m., a public information meeting will be held in the Federal Building, 334 Meeting Street, Charleston, South Carolina.

This meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of national, State, and local units of government, representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed construction of an annex to the U.S. Post Office and Courthouse, Broad and Meeting Streets, Charleston, South Carolina, an undertaking of the General Services Administration. The project as proposed would affect the U.S. Post Office and Courthouse and the Charleston Historic District, National Historic Landmarks. Consideration will be given to the undertaking, its effects on the National Historic Landmarks, and alternate course of action that could avoid, mitigate, or minimize adverse effects on these properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the properties by the General Services Administration.

III. A statement by the South Carolina State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the properties.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting and for a period of 10 days following the meeting. Information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005, telephone number 202-254-3974. Attention: John J. Cullinane.

Dated: June 16, 1983.

Robert R. Garvey, Jr.,

Executive Director.

[FR Doc. 83-16701 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Marketing Agreement 146]

Peanuts; 1983 Crop; Incoming and Outgoing Quality Regulations and Indemnification

Pursuant to the provisions of sections 5, 31, 32, 34 and 36 of the marketing agreement regulating the quality of domestically produced peanuts heretofore entered into between the Secretary of Agriculture and various handlers of peanuts (30 FR 9402) and upon recommendation of the Peanut Administrative Committee established pursuant to such agreement and other information it is hereby found that the appended "Incoming Quality Regulation—1983 Crop Peanuts", "Outgoing Quality Regulation—1983 Crop Peanuts", and the "Terms and Conditions of Indemnification—1983 Crop Peanuts", which modify or are in addition to the provisions of sections 5, 31, 32 and 36 of said agreement will tend to effectuate the objectives of the Agricultural Marketing Agreement Act of 1937, as amended, and of such agreement and should be issued.

The Peanut Administrative Committee has recommended that the appended regulations and the Terms and Conditions of Indemnification be issued to implement and effectuate the provisions of the aforementioned sections of the marketing agreement. The peanut crop year Begins July 1 and procedures and regulations for operations under the agreement should be established thereby affording handlers maximum time to plan their operations accordingly. The handlers of peanuts who will be affected hereby have signed the marketing agreement authorizing the issuance hereof, they are represented on the Committee which has prepared and recommended these quality regulations and terms and conditions of indemnification for approval.

This action has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has been classified a "non-major" rule under criteria contained therein.

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.

Information collection requirements contained in these regulation and terms and conditions of indemnification have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0581-0067.

The Incoming Quality Regulation is the same as last year. With the exception of a few minor changes, the Outgoing Quality Regulation also is the same as last year. These changes include minor revisions in the definitions of the terms "fragmented" and "pickouts", authority to use peanut meal for research purposes, a limitation on the amount of foreign material or peanuts affected with damage or minor defects permitted in failing lots to be blanched, and a control on residual peanuts resulting from the blanching of failing lots of peanuts. The Terms and Conditions of Indemnification for 1983 crop peanuts are similar to those for 1982, except that the 1983 terms provide for separate indemnification levels for "quota" and "additional" peanuts, and minor changes in the method of establishing indemnification values, and making payments, for these two categories of peanuts.

Upon consideration of the Committee recommendation and other available information the appended "Incoming Quality Regulation—1983 Crop Peanuts", "Outgoing Quality Regulation—1983 Crop Peanuts", and the "Terms and Conditions of Indemnification—1983 Crop Peanuts", are hereby approved.

Dated: June 16, 1983.

D. S. Kuryloski,

Deputy Director, Fruit and Vegetable Division.

Incoming Quality Regulation—1983 Crop Peanuts

The following modify section 5 of the peanut marketing agreement and modify or are in addition to the restrictions of section 31 on handler receipts or acquisitions on peanuts:

(a) *Modification of section 5, paragraphs (b), (c), and (d).* Paragraphs (b), (c), and (d) of section 5 of the peanut marketing agreement are modified as to farmers stock peanuts to read respectively as follows:

(b) *Segregation 1.* "Segregation 1 peanuts" means farmers stock peanuts with not more than 2 percent damaged kernels nor more then 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(c) *Segregation 2.* "Segregation 2 peanuts" means farmers stock peanuts with more than 2 percent damaged kernels or more then 1.00 percent concealed damage caused by rancidity, mold or decay and which are free from visible *Aspergillus flavus.*

(d) *Segregation 3.* "Segregation 3 peanuts" means farmers stock peanuts with visible *Aspergillus flavus.*

(b) *Moisture.* Except as provided under paragraph (e) *Seed Peanuts,* no handler shall receive or acquire peanuts containing more than 10 percent moisture: *Provided,* That peanuts of higher moisture content may be received and dried to not more than 10 percent moisture prior to storing or milling. On farmers stock, such moisture determinations shall be rounded to the nearest whole number; on shelled peanuts, the determinations shall be carried to the hundredths place and shall not be rounded to the nearest whole number.

(c) *Damage.* For the purpose of determining damage, other than concealed damage, on farmers stock peanuts, all percentage determinations shall be rounded to the nearest whole number.

(d) *Loose shelled kernels.* Handlers may separate from the loose shelled kernels received with farmers stock peanuts, those sizes of kernels which ride screens with the following slot openings: Runner—$^{13}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{13}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{13}/_{64}$ x 1 inch. If so separated, those loose shelled kernels which do not ride such screens, shall be removed from the farmers stock peanuts shall be held separate and apart from other peanuts and disposed of for inedible use as provided in paragraph (g) of the Outgoing Quality Regulation. If the kernels which ride the prescribed screen are not separated, the entire amount of loose shelled kernels shall be removed from farmers stock peanuts and shall be so held and so delivered or disposed of. The loose shelled kernels which ride the screens may be included with shelled peanuts prepared by the handler for inspection and sale for human consumption. For the purpose of this regulation, the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls and found in deliveries of farmers stock peanuts.

(e) *Seed Peanuts.* A handler may acquire and deliver for seed purposes farmers stock peanuts which meet the requirements of Segregation 1 peanuts. If the seed peanuts are produced under the auspices of a State agency which regulates or controls the production of seed peanuts, they may contain up to 3 percent damaged kernels and have visible *Aspergillus flavus,* and, in addition, the following moisture content, as applicable:

(1) for seed peanuts produced in the Southeastern and Virginia-Carolina areas, they may contain up to 11 percent moisture except Virginia type peanuts which are not stacked at harvest time may contain up to 12 percent moisture; and (2) for seed peanuts produced in the Southwestern area, they may contain up to 10 percent moisture.

However, any such seed peanuts with visible *Aspergillus flavus* shall be stored and shelled separate from other peanuts, and any residual not used for seed shall not be used or disposed of for human consumption unless it is determined to be wholesome by chemical assay for aflatoxin. A handler whose operations may include custom seed shelling, may receive, custom shell, and deliver for seed purposes farmers stock peanuts and such peanuts shall be exempt from the Incoming Quality Regulation requirements and therefore shall not be required to be inspected and certified as meeting the Incoming Quality Regulation requirements and the handler shall report to the Committee as requested the weight of each lot of farmers stock peanuts received on such basis on a form furnished by the Committee. However, handlers who acquire seed peanut residuals from their custom shelling of uninspected (farmers stock) seed peanuts, or from another sheller or producer who has or has not signed the marketing agreement shall hold and/or mill such residuals separate and apart from other receipts or acquisitions of the handler and such residuals which meet Outgoing Quality Regulation requirements may be disposed of by sale to human consumption outlets and any portion not meeting such requirements shall be disposed of by sale as peanuts failing to meet human consumption requirements pursuant to paragraph (i) of the Outgoing Quality Regulation.

(f) *Oilstock.* Handlers may acquire for disposition to domestic crushing or export, to countries other than Canada and Mexico, farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption. The provision of section 31 of the marketing agreement restricting acquisitions of such peanuts to handlers who are crushers in hereby modified to authorize all handlers to act as accumulators and acquire, from other handlers or non-handlers, Segregation 2 or 3 farmers stock peanuts. Handlers may also acquire from other handlers shelled or fragmented peanuts originating from Segregation 2 or 3 farmers stock, or the entire mill production of shelled or fragmented peanuts from Segregation 1 farmers stock, or lots of shelled peanuts, originating from Segregation 1 peanuts and which have been positive lot identified as specified in paragraph (d) of the Outgoing Quality Regulation, which failed to meet the requirements for human consumption pursuant to pararaph (a) of the Outgoing Quality Regulation: *Provided,* That all such acquisitions are held separate from Segregation 1 peanuts acquired for milling or from edible grades of shelled or milled peanuts. Handlers may commingle the Segregation 2 and 3 peanuts or keep them separate and apart as provided in paragraph (j) of the Outgoing Quality Regulation. Further disposition or commingling of such peanuts shall be only as provided in paragraph (l) of the Outgoing Quality Regulation. Handlers who acquire farmers stock peanuts of a lower quality than Segregation 1 or grades or sizes of shelled peanuts or cleaned inshell peanuts which fail to meet the requirements for human consumption shall report such acquisitions as

prescribed by the Committee. To be eligible to receive or acquire Segregation 2 or 3 farmers stock peanuts and shelled or "fragmented" peanuts originating therefrom, a handler shall pay to the Area Association a fee for the purpose of covering cost of supervision of the disposition of such peanuts.

(g) *Segregation 2 and 3 control.* To assure the removal from edible outlets of any lot of peanuts determined by Federal or Federal-State Inspection Service to be Segregation 2 or Segregation 3, each handler shall inform each employee, country buyer, commission buyer or like person through whom he receives peanuts, of the need to receive and withhold all lots of Segregation 2 and Segregation 3 peanuts from milling for edible use. If any lot of Segregation 2 or Segregation 3 farmers stock peanuts is not withheld but returned to the producer, the handler shall cause the Inspection Service to forward immediately a copy of the inspection certificate on the lot to the designated office of the handler and a copy to the Committee which shall be used only for information purposes.

(h) *Farmers Stock Storage and Handling Facilities.* Handlers shall report to the Committee, on a form furnished by the Committee, all storage facilities or contract storage facilities which they will use to store acquisitions of current crop Segregation 1 farmers stock peanuts and all such storage facilities must be reported prior to storing of any such handler acquisitions. Handlers shall also report to the Committee the locations at which they will receive or acquire current crop farmers stock peanuts. All such storage facilities shall have reasonable and safe access to allow for inspection of the facility and its contents. All such storage facilities must be of sound construction, in good repair, built and equipped so as to provide suitable storage and sufficient safeguards to prevent moisture condensation and provide adequate protection for farmers stock peanuts. All break or openings in the walls, floors or roofs of the facilities shall have been repaired so as to keep out moisture. Elevator pits and wells must be kept dry and free of moisture at all times. Insect control procedures must be carried out in such a manner as to prevent undesirable moisture in the storage facilities. Any conditions in warehouses, elevators, pits, and other farmers stock handling equipment conducive to the growth or spread of *Aspergillus flavus* mold shall be corrected to the satisfaction of the Committee. The Committee may make periodic inspections of farmers stock storage and handling facilities and farmers stock peanuts stored in such facilities to determine if handlers are adhering to these requirements.

(i) *Shelled peanuts.* Handler may acquire from other handlers, for remilling and subsequent disposition to human consumption outlets, shelled peanuts [which originated from "Segregation 1 peanuts"] that fail to meet the requirements specified for human consumption in paragraph [a] of the Out-going Quality Regulation. Any lot of such peanuts must be accompanied by a valid inspection certification for grade factors, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the buyer and seller on a form provided by the Committee. Peanuts acquired pursuant to this paragraph shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by paragraph [h] [1] of the Outgoing Quality Regulation.

Outgoing Quality Regulation—1983 Crop Peanuts

The following modify or are in addition to the peanut marketing agreement restrictions of section 32 on handler disposition of peanuts:

[a] *Shelled peanuts:* No handler shall ship or otherwise dispose of shelled peanuts for human consumption unless appropriate samples for pretesting have been drawn in accordance with paragraph [c] of this regulation, or which if of a category not eligible for indemnification are not certified "negative" as to aflatoxin, or which contain more than [1] a total of 1.50 percent unshelled peanuts and damaged kernels; [2] a total of 3.00 percent unshelled peanuts and damaged kernels and minor defects; [3] 9.00 percent moisture in the Southeastern and Southwestern areas; or 10.00 percent moisture in the Virginia-Carolina area; or [4] 0.10 percent foreign material in peanuts "with splits" and peanuts of U.S. grade, other than U.S. splits, or 0.20 percent foreign material in U.S. splits and other edible quality peanuts not of U.S. grade. The lot size of such peanuts in bulk or bags shall not exceed 200,000 pounds. Fall through in such peanuts shall not exceed 4 percent except that in peanuts other than "No. Two Virginia" fall through consisting of either split and broken kernels or whole kernels shall not exceed 3 percent and fall through of whole kernels in Runners of Virginias "with splits" shall not exceed 3 percent or 2 percent on Spanish "with splits". The term "fall through" as used herein, shall mean sound split and broken kernels and whole kernels which pass through specified screesn. Screens used for determining fall through in peanuts covered by this paragraph [a] shall be as follows:

Type	Screen openings	
	Split and broken kernels (inch round)	Whole kernels (inch slot)
Runners	[1] 13/64	13/64 × 3/4
Spanish and Valencia	15/64	15/64 × 3/4
Virginia except "No. 2 Virginia"	17/64	17/64 × 1
"No. 2 Virginia"	(1)	(1)

[1] 17/64 inch round only for split, broken and whole kernels.

("No. Two Virginia" means Virginia type peanuts that meet requirements of U.S. No. 2 Virginia grade peanuts except for tolerances for: (1) damage or unshelled peanuts and minor defects; and (2) sound peanuts and portions of peanuts which pass through the prescribed screen. Such tolerances shall be the same as those listed heretofore in this paragraph. Runners, Spanish or Virginia "with splits" means shelled peanuts which do not contain more than (a) 15 percent splits, (b) for Spanish 2.00 percent whole kernels which will pass through 13/64 x 3/4 slot screen; for Runners 3.00 percent whole kernels which will pass through 13/64 x 3/4 inch slot screen; and for Virginias 3.00 percent whole kernels which will pass through 13/64 x 1 inch slot screen, and (c) otherwise meet specification of U.S. No. 1 grade).

(b) *Cleaned inshell peanuts.* No handler shall ship or otherwise dispose of cleaned inshell peanuts for human consumption: (1) with more than 1.00 percent kernels with mold present unless a sample of such peanuts, drawn by an inspector of the Federal or Federal-State Inspection Service, was analyzed chemically by laboratories approved by the Committee or by a U.S. Department of Agriculture laboratory (hereinafter referred to as "USDA laboratory") and found to be wholesome relative to aflatoxin; (2) with more than 2.00 percent peanuts with damaged kernels; (3) with more than 10.00 percent moisture; or (4) with more than 0.50 percent foreign material. The lot size of such peanuts in bags or bulk shall not exceed 200,000 pounds.

(c) *Pretesting shelled peanuts.* Each handler shall cause appropriate samples of each lot of edible quality shelled peanuts to be drawn by an inspector of the Federal or Federal-State Inspection Service. The gross amount of peanuts drawn shall be large enough to provide

for a grade analysis, for a grading check-sample, and for three 48-pound samples for aflatoxin assay. The three 48-pound samples shall be designated by the Federal or Federal-State Inspection Service as "Sample #1", "Sample #2", and "Sample #3 and each sample shall be placed in a suitable container" and "positive lot identified" by means acceptable to the Inspection Service and the Committee. Sample #1 may be prepared for immediate testing or Sample #1, Sample #2, and Sample #3 may be returned to the handler for testing at a later date. However, before shipment of the lot to the buyer (receiver), the handler shall cause Sample #1 to be ground by the Federal or Federal-State Inspection Service or a USDA or designated laboratory in a "subsampling mill" approved by the Committee. The resultant ground subsample from Sample No. 1 shall be of a size specified by the Committee and be designated as "Subsample 1–AB" and at the handler's or buyer's option, a second subsample may also be extracted from Sample #1. It shall be designated as "Subsample 1–CD". Subsample 1–CD may be sent as requested by the handler or buyer, for aflatoxin assay, to a laboratory listed on the most recent Committee list of approved laboratories that can provide analyses results on such samples in 36 hours. Subsample 1–AB shall be analyzed only in USDA or designated laboratories. Both Subsamples 1–AB and 1–CD shall be accompanied by a notice of sampling signed by the inspector containing, at least identifying information as to the handler (shipper), the buyer (receiver) if known, and the positive lot identification for the shelled peanuts. A copy of such notice covering each lot shall be sent to the Committee office.

The samples designated as Sample #2 and Sample #3 shall be held as aflatoxin check-samples by the Inspection Service or the handler and shall not be included in the shipment to the buyer until the analyses results from Sample #1 are known. Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample #2 to be ground by the Inspection Service in a "subsampling mill". The resultant ground Subsample from Sample #2 shall be of the size specified by the Committee and it shall be designated as "Subsample 2–AB". Upon call from the USDA or designated laboratory or the Committee, the handler shall cause Sample #3 to be ground by the Inspection Service in a "subsampling mill". The resultant ground subsample from Sample #3 shall be of the size specified by the Committee and it shall be designated as "Subsample 3–AB". Subsamples 2–AB and 3–AB shall be analyzed only in USDA or designated laboratories and each shall be accompanied by a notice of sampling. A copy of each such notice shall be sent to the Committee office and the cost of delivery of Subsamples 2–AB and 3–AB to the laboratory and the cost of assay on them shall be at the Committee's expense.

All costs involved in sampling and testing Subsample 1–CD shall be for the account of the buyer of the lot and at his expense. The cost of assay on Subsample 1–AB and a portion of the cost specified by the Committee of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1–AB to the laboratory shall be for the account of the buyer. However, if the handler elects to pay for these costs, he shall charge the buyer the amount specified by the Committee when he invoices the peanuts and, if more than one buyer, on a pro rata basis. Any remaining costs of drawing the three 48-pound samples, grinding of Sample #1 and preparation and delivery of Subsample 1–AB shall be for the account of the handler and shall be shown on the grade analysis certificate covering the lot. When any of the samples or subsamples have been lost, misplaced, or spoiled and replacement samples are needed, the entire cost of drawing the replacement samples shall be for the account of the handler. The results of each assay shall be reported to the buyer listed on the notice of sampling and, if the handler desires, to the handler. If a buyer is not listed on the notice of sampling, the results of the assay shall be reported to the handler who shall promptly cause notice to be given to the buyer, of the contents thereof, and such handler shall not be required to furnish additional samples for assay.

(d) *Identification.* Each lot of shelled or cleaned inshell peanuts shipped or otherwise disposed of for human consumption shall be identified by positive lot identification procedures. For the purpose of this regulation, "positive lot identification" of a lot of shelled or inshell peanuts is a means of relating the inspection certificate to the lot covered so that there can be no doubt that the peanuts delivered are the same ones described on the inspection certificate. The crop year that is shown on the positive lot identification tags, or other means of positive lot identification shall accurately describe the crop year in which the peanuts in the lot were produced. Such procedure on bagged peanuts shall consist of attaching a lot numbered tag bearing the offical stamp of the Federal or Federal-State Inspection Service to each filled bag in the lot. The tag shall be sewed (machine sewed if shelled peanuts) into the closure of the bag except that in plastic bags the tag shall be inserted prior to sealing so that the official stamp is visible. Any peanuts moved in bulk or bulk bins shall have their lot identity maintained by sealing the conveyance and if in other containers by other means acceptable to the Federal or Federal-State Inspection Service and to the Committee. All lots of shalled or cleaned inshell peanuts shall be handled, stored, and shipped under positive lot identification procedures.

(e) *Reinspection.* Whenever the Committee has reason to believe that peanuts may have been damaged or deteriorated while in storage, the Committee may reject the then effective inspection certificate and may require the owner of the peanuts to have a reinspection to establish whether or not such peanuts may be disposed of for human consumption.

(f) *Inter-plant transfer.* Any handler may transfer peanuts from one plant owned by him to another of his plants or to commercial storage, without having such peanuts positive lot identified and certified as meeting quality requirements, but such transfer shall be only to points within the same production area and ownership shall have been retained by the handler. Upon any transferred peanuts being disposed of for human consumption, they shall meet all the requirements applicable to such peanuts.

(g) *Loose shelled kernels, fall through and pickouts.* (1) Loose shelled kernels which do not ride screens with the following slot openings: Runner—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Spanish and Valencia—$^{15}/_{64}$ x $^{3}/_{4}$ inch; Virginia—$^{15}/_{64}$ x 1 inch; and fall through and pickouts shall be disposed of only by sale as domestic oil stock, by crushing, or as specified in paragraph (g)(3) hereinafter. For the purpose of this regulation: the term "non-edible quality peanuts" described in this paragraph means loose shelled kernels, fall through, and pickouts; the term "loose shelled kernels" means peanut kernels or portions of kernels completely free of their hulls, either as found in deliveries of farmers stock peanuts or those which fail to ride the screens (U.S. No. 1 screens) in removing whole kernels; the term "fall through" has the same meaning as in paragraph (a) of this regulation; and the term "pickouts" means those peanuts removed during the final milling process at the picking

table, by electronic equipment, or otherwise during the milling process.

(2) All loose shelled kernels, fall through, and pickouts shall be kept separate and apart from other milled peanuts that are to be shipped into edible channels. Such categories may be kept separate or be commingled in the same lot and shall be bagged in suitable new or clean, used bags or placed in bulk containers acceptable to the Committee. Such peanuts shall be identified by positive lot identification procedures set forth in paragraph (d) but using a red tag, and such peanuts shall be inspected by the Federal or Federal-State Inspection Service and a certification made on each lot as to moisture and foreign material content. Such lot size, whether in bags or bulk, shall not exceed 200,000 pounds.

(3) In addition to disposition outlets specified in paragraph (g)(1), fall through that has been sampled and determined negative as to aflatoxin content may be disposed of for use as wild-life feed or bait for rodents in labeled containers approved by the Committee. Each category of non-edible quality peanuts described in paragraph (g)(1) and identified as prescribed in paragraph (g)(2) may be exported in bulk or bags to countries other than Mexico or Canada pursuant to the provisions prescribed for such disposition in paragraph (l)(1) or (l)(2) of this regulation or they may be moved to another handler for such disposition. Sales or transfer of such peanuts, to exporters who are not handlers under the marketing agreement, shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Such peanuts may be diposed of to domestic crushing as "unrestricted" if they are certified negative as to aflatoxin content and may be commingled at the crusher with any other category of peanuts determined by paragraph (l)(1) of this regulation to be eligible for such "unrestricted" crushing. Non-edible quality peanuts described in paragraph (g)(1) which have not been certified negative as to aflatoxin are not eligible for "unrestricted" crushing but may be disposed of to domestic crushing as "restricted" and may be commingled at the crusher with any other category of peanuts described in paragraph (l)(2). Such non-edible quality peanuts may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if non-edible quality peanuts described in paragraph (g)(1) are exported or crushed in commingle with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and disposition of such inedible quality peanuts shall be reported by the handler as prescribed by the Committee.

Meal produced from peanuts which are disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other non-feed use. To prevent use of restricted meal for feed, handlers shall either denature it or restrict its sale to licensed or registered U.S. fertilizer manufacturers or firms engaged in exporting who will export such meal for non-feed use or sell it to the aforesaid fertilizer manufacturers. Such meal may also be used for research purposes, subject to the approval of the Executive Subcommittee. However, loose shelled kernels fall through and pickouts and meal from such peanuts in specifically identified lots not exceeding 200,000 pounds may be sampled by Federal or Federal-State Inspection Service or by the Area Association if authorized by the Committee, and tested for aflatoxin in laboratories approved by the Committee or by a USDA laboratory at handler's or crusher's expense, and if such meet Committee standards the meal may be disposed of for feed use.

(4) Notwithstanding any other provisions of this regulation or of the Incoming Quality Regulation, a handler may transfer non-edible quality peanuts described in paragraph (g) (1) to another plant within his own organization or transfer or sell such peanuts to a crusher for crushing. Sales or transfer of restricted peanuts to domestic crushers who are not handlers under the agreement shall be made only on the condition that they agree to comply with the terms of this paragraph (g) and all other applicable requirements of this regulation, including the reporting requirements.

(h) *Peanuts failing qualify requirements.* (1) Handlers may sell to or contract with other handlers, for further handling, shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for disposition to human consumption outlets heretofore specified in paragraph (a). Lots of peanuts disposed of in this manner must be accompanied by a valid grade inspection certificate, an aflatoxin assay certificate and must be positive lot identified. Transactions made in this manner shall be reported to the Committee by both the seller and buyer on a form provided by the committee. Any such peanuts acquired by handlers pursuant to paragraph (i) of the Incoming Quality Regulation shall be held and milled separate and apart from other receipts or acquisitions of the receiving handler and further disposition shall be regulated by the requirements specified heretofore or pursuant to paragraph (h) (3) hereinafter.

(2) Handlers may blanch or cause to have blanched positive identified shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements of paragraph (a) of this regulation because of excessive damage, minor defects, moisture, or foreign material or are positive as to aflatoxin; *Provided* that such lots of peanuts contain not in excess of 8 percent damage and minor defects combined or 2 percent foreign material. Handlers who move such peanuts to a blancher shall report, to the Committee on a form furnished by the Committee, movement of each such lot and the title shall be certified by an inspector of the Federal or Federal-State Inspection Service as meeting the requirements for disposal into human consumption outlets. To be eligible for disposal into human consumption outlets, such peanuts after blanching, must meet specifications for unshelled peanuts, damaged kernels, minor defects, moisture, and foreign material as listed in paragraph (a) of this regulation and be accompanied by an aflatoxin certificate determined to be negative by the Committee. The residual peanuts, excluding skins and hearts, resulting from blanching under these provisions, shall be bagged and red tagged and disposition shall be that such peanuts are returned to the handler for further disposition under the provisions of Paragraph (g)(3) of the Outgoing Quality Regulation; *OR*, in the alternative if such residuals are positive lot identified by a Federal or Federal-State Inspection Service, they may be disposed of by the blancher to domestic crushing or a PAC approved exporter. Blanching under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such blanching.

(3) Handlers may dispose of positive identified shelled peanuts (which originated from "Segregation 1 peanuts") which fail to meet the requirements of paragraph (a) of the Outgoing Quality Regulation: (a) To domestic crushing, (b) to export to countries other than Canada and

Mexico, provided they meet fragmented requirements, (c) to crushers who are not handlers but are approved by the Committee, or (d) to other handlers for crushing or fragmenting and exportation. Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Each lot of such peanuts shall have been positive lot identified as prescribed in paragraph (d). Handlers may dispose of such peanuts as "unrestricted": *Provided,* That each lot has been sampled and assayed for aflatoxin as specified in paragraph (c) and determined to be negative as to aflatoxin by the Committee. Handlers who have acquired any such unrestricted peanuts from another handler or from their own operations may commingle such peanuts with those from their own operations at the crusher, or during the fragmenting operation or after fragmenting for further disposition as "unrestructed" pursuant to the provisions of paragraph (l)(1) of this regulation. Lots of peanuts covered by the provisions of this paragraph (h)(3), which have not been assayed for aflatoxin content or which have been assayed and determined to be unwholesome as to aflatoxin by the Committee, are not eligible for disposition as "unrestricted".

Therefore, the disposition of such peanuts to export or domestic crushing shall be as "restricted". However, handlers who have acquired such restricted peanuts from another handler may commingle such peanuts with those from his own operations at the crusher, or during the fragmenting operation, or after fragmenting for further disposition as restricted pursuant to the provisions of paragraph (l)(2). Peanuts regulated by this paragraph (h)(3) may be disposed of to domestic crushing or export without supervision by the Area Association if they are held separate and apart from peanuts on which supervision is required. However, if any such peanuts are commingled with peanuts on which supervision is required, the handler shall cause the Area Association to supervise the commingling and fragmenting for disposition to export and the commingling and domestic crushing on all categories of peanuts included in such commingling. All movement and dipsosition of peanuts covered by the provisions of this paragraph shall be reported by the handler as prescribed by the Committee.

(4) Handlers may contract with PAC approved remillers for remilling shelled peanuts (which originated from Segregation 1 peanuts) that fail to meet the requirements for diposition to human consumption outlets heretofore specified in paragraph (a) of the Outgoing Quality Regulation: *Provided,* That such lots of peanuts contain not in excess of 8 percent damage and minor defects combined or 10 percent fall through or 2 percent foreign material. Lots of peanuts moved under these provisions must be accompanied by a valid grade inspection certificate and an aflatoxin assay certificate and must be positive lot identified. Handlers who move such peanuts to an approved remiller shall report to the Committee, on a form furnished by the Committee, the movement of each such lot. The title of such peanuts shall be retained by the handler until the peanuts have been remilled and certified by the Federal or Federal-State Inspection Service as ameeting the requirements for disposition to human consumption outlets specified in paragraph (a), and be accompanied by an aflatoxin certificate determined to be negative by the Committee. Remilling under these provisions may include composite remilling of more than one such lot of peanuts owned by the same handler. However, such peanuts owned by one handler shall be held and remilled separate and apart from all other peanuts. The residual peanuts resulting from remilling under these provisions shall be bagged and red-tagged and disposed of to domestic crushing by the approved remiller or they may be returned to the handler for disposition under the provisions of paragraph (g)(3) of the Outgoing Quality Regulation. Remilling under the provisions of this paragraph shall be performed only by those firms who agree to procedures acceptable to the Committee and who are approved by the Committee to do such remilling.

(i) *Residuals from seed peanuts.* Handlers who receive and custom shell for seed purposes farmers stock peanuts (which have not been inspected and certified as meeting the Incoming Quality Regulation) shall hold and mill peanuts acquired as residuals from such operations separate and apart from peanuts acquired as Segregation 1 farmers stock. Likewise, any such residuals received or acquired from a handler or non-handler, shall be held and milled separate and apart in the same manner. Residuals that meet requirements of the Outgoing Quality Regulation may be disposed of by sale to human consumption outlets or to another handler and any portion in positive identified lots not meeting such requirements: (1) May be handled and disposed of pursuant to the provisions of paragraph (h) of this regulation; or (2) shall be disposed of to domestic crushing or export pursuant to the provisions of paragraph (g).

(j) *Segreqation 2 and 3 farmers stock disposition.* (1) Handlers who have acquired Segregation 2 and 3 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation may commingle such peanuts or keep them separate and apart. The Segregtion 3 farmers stock peanuts or commingled Segregation 2 and 3 farmers stock peanuts may be moved or disposed of in bags or bulk: (a) to other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags: (a) to other handlers for fragmenting or crushing, or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided hereinafter in paragraph (l)(2) for "restricted" export to countries other than Canada and Mexico, or for "restricted" domestic crushing. Prior to exportation, the shelled peanuts shall be certified by a Federal or Federal-State Inspection Service as meeting the requirements specified for "fragmented" peanuts in paragraph (l)(1) and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. Shelling, fragmenting, and crushing of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts shall be done only under the supervision of the Area Association and any such peanuts may be commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingling occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting for disposition to export or the further commingling and domestic crushing. All movement and disposition of Segregation 3 peanuts or commingled Segregation 2 and 3 peanuts and shelled or fragmented peanuts originating thereform shall be reported by the handler as prescribed by the Committee.

(2) Handlers who have acquired Segregation 2 farmers stock peanuts pursuant to paragraph (f) of the Incoming Quality Regulation and held them separate and apart from Segregation 3 peanuts may commingle the Segregation 2 farmers stock with Segregation 1 farmers stock for disposition to domestic crushing or export as inedibles. The Segregation 2

farmers stock peanuts or commingle Segregation 1 and 2 farmers stock peanuts may be moved or disposed of in bulk or bags: (a) To other handlers for shelling, fragmenting, or crushing, or (b) to crushers who are not handlers but are approved by the Committee. Handlers may shell the Segregation 2 or commingled Segregation 1 and 2 peanuts and move or dispose of the shelled peanuts: (a) to another handler for fragmenting or crushing; or (b) to crushers who are not handlers but are approved by the Committee and further disposition shall be as provided in paragraph (l)(1) of this regulation. Prior to exportation the shelled peanuts shall be certified by a Federal or Federal-State fragmented Inspection serevice as meeting the requirements specified for peanuts also in paragraph (l)(1). If the shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts are held separate and apart from Segregation 3 peanuts are held separate and apart from Segregation 3 peanuts are held separate and apart from Segregation 3 peanuts and any restricted categories of shelled peanuts, no aflatoxim assay shall be required. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association. The shelled peanuts from Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts may be further commingled with other categories of shelled peanuts for disposition to export or domestic crushing. However, if such further commingled occurs, the handler shall cause the Area Association to supervise the further commingling and fragmenting. All movement and disposition of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts and shelled or fragmented peanuts originating therefrom shall be reported by the handler as prescribed by the Committee.

(k) *Segregation 1 farmers stock disposition.* (1) In addition to milling (shelling, cleaning, etc.) Segregation 1 farmers stock peanuts for disposition to human consumption or seed outlets, handlers may dispose of Segregation 1 farmers stock peanuts to export or to other handlers for such disposition. All Such dispositions to export shall be reported by the handler as requested by the Committee.

(2) In addition to the disposition outlets specified in paragraph (k)(1), handlers may dispose of Segregation 1 farmers stock peanuts in bags or bulk to other handlers for shelling, fragmenting, or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. Handlers may commingle Segregation 1 farmers stock peanuts with Segregation 2 farmers stock peanuts or keep them separate and apart, and may shell such peanuts and move or dispose of the shelled peanuts in bulk or bags to other handlers for fragmenting or crushing. Such peanuts may also be disposed of to crushers who are not handlers but are approved by the Committee. However, the shelling, fragmenting and disposition of such Segregation 1 farmers stock peanuts shall be done only under the supervision fo the Committe and the Area Association and all peanuts handled under the provisions of this paragraph (k)(2), for disposition to export or domestic crushing, shall be milled and disposed of pursuant to paragraph (j)(2) in lieu of the provisions specified in paragraphs (a), (b), (c), (d), (g), (h), and (i) of this regulation. The movement and disposition of all peanuts handled under the provisions of this paragraph (k)(2), shall be reported by the handler as prescribed by the Committee.

(l) *Handling, commingling, and disposition of shelled peanuts not meeting quality requirements for human comsumption.* (1) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "unrestricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock: pursuant to paragraph (k)(2).

(b) The entire mill production of shelled peanuts from Segregation 2, or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) Positive Lot Identified lots of shelled "peanuts failing quality requirements" determined negative as to aflatoxin pursuant to paragraph (h)(3).

(d) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts determined negative as to aflatoxin pursuant to paragraphs (g) (1), (2), and (3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, and pickouts commingled and determined negative as to aflatoxin pursuant to paragraphs (g) (2) and (3).

(f) Positive Lot Identified lots of seed peanut residuals determined negative as to aflatoxin pursuant to paragraph (i).

Handlers who acquire from other handlers or from their own operations any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts while fragmenting them or after they have been fragmented: [1] With any other category of peanuts described in this paragraph, and (2) with any category of "unrestricted" shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for disposition to export to countries other than Canada and Mexico. However, such peanuts, prior to exportation, shall be certified as meeting fragmented requirements. For the purpose of this regulation, the term "fragmented" means that not more than 30 percent of the peanuts shall be whole kernels that ride the following screens, by type: Spanish 15/64 x 3/4 inch slot; Runner 15/64 x 3/4 inch slot; and Virginia 15/64 x 1 inch slot. Sales or transfer or such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire from other handlers or from their own operations any to the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher: (1) With any other category of peanuts described in this paragraph, and (2) with any category of unrestricted shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling and the resultant meal may be disposed of without restriction. To be eligible for such unrestricted dispositions (crushing or export), such peanuts, before commingling and after commingling, shall be kept separate and apart from all "restricted" peanuts. Shelling, fragmenting, and crushing of Segregation 2 peanuts or commingled Segregation 1 and 2 peanuts shall be done only under the supervision of the Area Association and if any shelled peanuts originating therefrom are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting and the commingling and crushing on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

(2) The following categories of shelled peanuts may be disposed of to domestic crushing or to export as "restricted":

(a) The entire mill production of shelled peanuts from Segregation 1 farmers stock pursuant to paragraph (k)(2) of the Outgoing Quality Regulation.

(a) The entire mill production of shelled peanuts from Segregation 2 or commingled Segregation 1 and 2 farmers stock pursuant to paragraph (j)(2).

(c) The entire mill production of shelled peanuts from Segregation 3 or commingled Segregation 2 and 3 farmers stock pursuant to paragrah (j)(1).

(d) Positive Lot Identified lots of shelled "peanuts failing quality requirements" pursuant to paragraph (h)(3).

(e) Positive Lot Identified lots of loose shelled kernels, fall through, or pickouts pursuant to paragraphs (g) (1), (2), and (3).

(f) Positive Lot Identified lots of loose shelled kernels, fall through and pickouts commingled pursuant to paragraphs (g) (2), and (3).

(g) Positive Lot Identified lots of of seed peanut residuals pursuant to paragraph (i).

Handlers who acquire, from other handlers, or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph (l)(2) may commingle such peanuts while fragmenting them or after they have been fragmented with any other category of peanuts described in this paragraph and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling with disposition to export to countries other than Canada and Mexico as "restricted". Prior to such exportation, the peanuts shall be certified as meeting the fragmented requirements and shall be assayed for aflatoxin by a USDA laboratory or a laboratory approved by the Committee. The handler's "in-land" bill of lading and his invoice covering the shipment shall include the following statement: "The peanuts covered by this bill of lading (or invoice) are limited to crushing only and may contain aflatoxin". Sales or transfer of such peanuts to exporters who are not handlers under the marketing agreement shall be made only to exporters who agree to procedures acceptable to the Committee and are approved by the Committee to do such exporting. Handlers who acquire, from other handlers or from their own operations, any of the categories of shelled peanuts described heretofore in this paragraph may commingle such peanuts at the crusher with any other category of peanuts described in this paragraph (l) (2) and with any category of shelled peanuts acquired from CCC and determined by CCC to be eligible for such commingling for "restricted" domestic crushing. Meal produced from peanuts disposed of to crushing as "restricted" shall be used or disposed of as fertilizer or other nonfeed use, pursuant to the provisions of paragraph (g)(3). Shelling, fragmenting, and crushing of Segregation 2 peanuts, Segregation 3 peanuts and the entire mill production of Segregation 1 peanuts handled pursuant to paragraph (k), shall be done only under supervision of the Area Association and if any of such categories of peanuts are commingled with any of the other categories of shelled peanuts described heretofore in this paragraph, the handler shall cause the Area Association to supervise the commingling and fragmenting on all categories of peanuts included in such commingling. All movement and disposition of the categories of peanuts described heretofore in this paragraph shall be reported by the handler as prescribed by the Committee.

Terms and Conditions of Indemnification—1983 Crop Peanuts

For the purpose of paying indemnities on a uniform basis pursuant to section 36 of the peanut marketing agreement effective July 12, 1965, each handler shall promptly notify or arrange for the buyer to notify the Manager, Peanut Administrative Committee, of any lot of cleaned inshell or shelled peanuts, milled to the outgoing quality requirements and into one of the categories listed in the final paragraph of these terms and conditions, on which the handler has withheld shipment or storage or the buyer, including the user division of a handler, has withheld usage due to a finding as to aflatoxin content as shown by the results of chemical assay.

If the chemical assay results on samples drawn prior to shipment pursuant to paragraph (c) of the Outgoing Quality Regulation are so high in aflatoxin content that a lot of peanuts should be handled pursuant to these Terms and Conditions, the handler shall certify to the Committee within ten (10) days of the date shown on the aflatoxin certificate that the milling of the peanuts in the lot was supervised by the Area Association as "additional peanuts". For the purposes herein, the term "additional peanuts" means any peanuts other than "quota peanuts" which are milled under the supervision of the Area Association.

To be eligible for indemnification, such a lot of peanuts shall have been inspected and certified as meeting the quality requirements of the agreement, shall have met all other applicable regulations issued pursuant thereto, including the pretesting requirements in paragraphs (a) and (c) of the Outgoing Quality Regulation and the lot identification shall have been maintained. If the Committee concludes, based on assays to date or further assays, that the lot is so high in aflatoxin that it should be handled pursuant to these Terms and Conditions, and such is concurred in by the Agricultural Marketing Service, the lot shall be accepted for indemnification. If the lot is covered by a sales contract, the lot may be rejected to the handler.

In an effort to make such eligible peanuts suitable for human consumption, and to minimize indemnification costs, the Committee and the Agricultural Marketing Service shall, prior to disposition for crushing cause all suitable lots to be remilled or custom blanched or both.

"Custom blanching" means the process which involves blanching peanuts, and the subsequent removal of damaged peanuts for the purpose of eliminating aflatoxin from the lot. The process may be applied to either an original lot or the new lot which results from remilling. Custom blanching shall be performed only by those firms determined by the Committee to have the capability to remove the aflatoxin and who agree to such terms, conditions and rates of payment as the Committee may find to be acceptable.

If the Committee and the Agricultural Marketing Service conclude that such lot is not suitable for remilling or custom blanching, the lot shall be declared to crushing and shall be disposed of by delivery to the Committee at such point as it may designate. The indemnification payment for peanuts in such a lot shall be the indemnification value of the peanuts, as hereinafter provided, less two cents per pound. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirements of the Outgoing Quality Regulation. Payment shall be made to the handler as soon as practicable after delivery of the peanuts to the Committee. The salvage value for peanuts declared for crushing shall be paid to, and retained by, the Committee to offset indemnification expenses.

If it is concluded that the lot should be remilled or custom blanched, expenses shall be paid by the Committee on those lots which, on the basis of the inspection occurring prior to shipment, contained not more than 1.00 percent damaged kernels other than minor defects. Lots with damage in excess of 1.00 percent on such inspection shall be remilled without reimbursement from the Committee for milling or freight, but otherwise shall be indemnifiable the same as lots with not more than 1.00 percent damage.

The indemnification value of peanuts delivered to the Committee for indemnification shall be as listed in the next to last paragraph of these terms and conditions.

The indemnification payment on peanuts declared for remilling, and which contain not more than 1.00 percent damaged kernels other than minor defects, shall be the indemnification value referable to the weights of peanuts lost in the remilling process and not cleared for human consumption, plus an allowance for remilling of two and one-half cents per pound on the original weight. Transportation expenses (excluding demurrage, loading and unloading charges, custom fees, border re-entry fees, etc.) from the handler's plant or storage to the point within the Continental United States or Canada where the rejection occurred and from such point to a delivery point specified by the Committee shall be included in the indemnification payment if the lot is found by the Committee to be unwholesome as to aflatoxin after such lot had been certified negative as to aflatoxin prior to being shipped or otherwise disposed of for human consumption by the handler pursuant to requirement of the Outgoing Quality Regulation.

On lots on which the remilling is not successful in making the lot wholesome as to aflatoxin and such lots of peanuts are declared for custom blanching after remilling, the indemnification payment shall be the blanching cost, plus the transportation costs from origin (whether handler or buyer premises) to point of blanching and on unsold lots from point of blanching to handler's premises and the indemnification value of the weight of reject peanuts removed from the lot. On lots which are custom blanched without remilling, the indemnification payment shall be determined in the same manner. However, no indemnification payments shall be paid on any lot of peanuts where the Committee determines that the custom blanched peanuts from such a lot have been sold at a price lower than the indemnification value on the original red skin lot at the time the indemnification claim was filed with the Committee.

Claims for indemnification on current crop year peanuts may be filed by any handler sustaining a loss as a result of a buyer withholding from human consumption a portion or all the product made from a lot of peanuts which has been determined to be unwholesome due to aflatoxin. The Committee shall pay, to the extent of the raw peanut equivalent value of the peanuts used in the product so withheld, such claims as it determines to be valid.

Payment shall be made to the handler claiming indemnification or receiving the rejected lost as soon as practicable after receipt by the Committee of such evidence of remilling or custom blanching and clearance of the lost for human consumption as the Committee may required and the delivery of the peanuts not cleared for human consumption to the delivery point designated by the Committee. If a suitable reduction in the aflatoxin content is not achieved on any lot which is remilled or custom blanched or both, the Committee shall declare the entire lot for indemnification, and the indemnification payment on such lot shall be the indemnification value of the peanuts in the original lot, less two cents per pound, plus other applicable costs authorized heretofore. However, the Committee shall refuse to pay indemnification on any lot(s) where it has reason to believe that the rejection of the peanuts arises from failure of the handler to use reasonable measures to receive and withhold from milling for edible use those Segregation 3 peanuts tendered to him either directly by a producer or by a country buyer, commission buyer or other like person. Furthermore, any misrepresentation by a handler in reporting acquistion, composition or disposition of any lot or lots of peanuts by such handler shall cause indemnification payments with respect to any such claim filed with the Committee by the handler on current crop year peanuts to be withheld unless the Committee finds that such action was inadvertent.

Remilling may occur on the premises of any handler signatory to the marketing agreement or at such other plant as the Committee may determine. However, if the Committee orders remilling of a lot which has been found to contain aflatoxin prior to shipment from the locality of original milling, the Committee shall not pay freight costs should the handler move said lot to another locality for remilling.

Notice of claims for indemnification on peanuts of the current crop year shall be filed with the Committee no later than November 1, following the end of the current crop year.

Each handler shall include, directly or by reference, in his sales contract the following provisions:

Should buyer find peanuts subject to indemnification under this contract to be so high in aflatoxin as to provide possible cause for rejection, he shall promptly notify the seller and Manager, Peanut Administrative Committee, Atlanta, Georgia. Upon a determination of the Peanut Administrative Committee, confirmed by the Agricultural Marketing Service, authorizing rejection, such peanuts, and title thereto, if passed to the buyer, shall be returned to the seller and such peanuts shall be reoffered to the buyer to satisfy the covering contract, pending successful remilling and/or blanching. Or, if the buyer's or receiver's name is shown on the certificates covering a lot which, upon the pretesting sampling procedure prescribed in paragraph (c) of the Outgoing Quality Regulation, exceeds Committee requirements for wholesomeness as to aflatoxin, such peanuts shall be offered to the buyer to satisfy the existing applicable contract, pending successful remilling and/or blanching. Alteratively, seller may replace any rejected lot of peanuts with another lot, if he elects to do so.

Seller shall, prior to shipment of a lot of shelled peanuts covered by this sales contract, cause appropriate samples to be drawn by the Federal or Federal-State Inspection Service from such lot, shall cause the sample(s) to be sent to a USDA laboratory or if designated by the buyer, a laboratory listed on the most recent Committee list of approved laboratories to conduct such assay, for an aflatoxin assay and cause the laboratory, if other than the buyer's to send one copy of the results of the assy to the buyer. The laboratory costs shall be for the account of the buyer and buyer agrees to pay them when invoiced by the laboratory or, in the event the seller has paid them, by the seller.

Any handler who fails to include such provisions in his sales contract shall be ineligible for indemnification payments which respect to any claim filed with the Committee on current crop year peanuts covered by the sales contract.

In addition, should any handler enter into any oral or written sales contract which fixes the level of aflatoxin at which rejection may be made and hence conflicts with these terms and conditions, the handler doing so will not be eligible for indemnification payments with respect to any claim filed with the Committee on current crop year peanuts on or after the filing date of a claim under such contract, except upon the Committee's finding that acceptance of

such contract was inadvertent; and for purposes of this provision a claim shall be deemed to be filed when notice of possible rejection is first given to the Committee.

Any handler who fails to conform to the requirements of paragraph (h) of the Incoming Quality Regulation shall be ineligible for any indemnification payments until such condition or conditions are corrected to the satisfaction of the Committee. Also any handler who fails to cause positive lot identification on any lot of peanuts to accurately reflect the crop year in which such peanuts were produced, pursuant to paragraph (d) of the Outgoing Quality Regulation, shall be ineligible for any indemnification payments until such violation is corrected to the satisfaction of the Committee. Categories eligible for indemnification are as follows:

Cleaned Inshell Peanuts

(1) U.S. Jumbos.
(2) U.S. Fancy Handpicks.
(3) Valencia—Roasting stock.[1]

U.S. Grade Shelled Peanuts

(1) U.S. NO. 1.
(2) U.S. Splits.
(3) U.S. Virginia Extra-Large.
(4) U.S. Virginia Medium.

Shelled Peanuts "With Splits"

(1) Runers with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{13}/_{64}$ x $^{3}/_{4}$ slot screen.

(2) Spanish with splits which do not contain more than 15 percent splits or 2 percent whole kernels which will pass through a $^{13}/_{64}$ x $^{3}/_{4}$ slot screen.

(3) Virginias with splits which do not contain more than 15 percent splits or 3 percent whole kernels which will pass through a $^{13}/_{64}$ x 1 slot screen.

However, peanuts in any of the above categories shall not be eligible for indemnification if such peanuts: (1) Were milled from seed peanut residuals as referred to in the last sentence of paragraph (e) of the Incoming Quality Regulation and paragarph (i) of the Outgoing Quality Regulation; (2) failed the Outgoing Quality Regulation due to excessive damage and minor defects and such peanuts were subsequently blanched to remove such excess damage and minor defects pursuant to paragraph (h) of such regulation; (3) when shipped for human consumption outlets contained more than a total of 1.25 percent unshelled peanuts and damaged kernels or a total of 2.00 percent unshelled peanuts, damaged kernels and minor defects; and (4) were received or acquired from another handler pursuant to paragraph (i) of the Incoming Quality Regulation and were milled to meet requirements of the Outgoing Quality Regulation pursuant to paragraph (h) of such regulation.

[1] Inshell peanuts with not more than 25 percent having shells damaged by discoloration, which are cracked or broken, or both.

For the purpose of paying indemnification beginning August 1, of the current crop year, the domestic market price for each category of peanuts shall be determined by averaging the price(s) listed in the Peanut Market News, per category, during the most recent four week period. Such weekly price calculations shall extend to May 31, of the current crop year and the average price per category as of May 31, 1984, shall be applied during the remainder of the crop year.

For the purpose of determining indemnification values, the term "quota peanuts" means peanuts marketed, or considered marketed, for domestic edible use, as defined by USDA–ASCS; and the term "additional peanuts" means any peanuts other than "quota peanuts" which are milled under the supervision of the Area Association.

The indemnification value for each category of "quota peanuts" eligible for indemnification shall be the domestic market price, established during the averaging period, less two cents per pound (on the pounds indemnified) or the most recent price category listed in the Peanut Market News, whichever is lower.

The indemnification value for "additional peanuts" shall be equal to 72.73 percent of the established indemnification value, per category, of "quota peanuts".

The grade categories to which the indemnification values shall be applied are as follows:

Runners*	Virginias	Spanish
Jumbo	U.S. Extra Large	U.S. No. 1 (or larger).
Medium	U.S. Medium	Spanish with splits.
Select	U.S. No. 1	U.S. splits.
No. 1 (–18+16 screens).	Virginias with splits.	
Mill run with or without splits.	U.S. splits	
U.S. splits		

* Southeastern Peanut Association grades.

FR Doc. 83-16660 Filed 6-21-83; 8:45]
BILLING CODE 3410-02-M

Forest Service

Medicine Bow National Forest Grazing Advisory Board; Meeting

The Medicine Bow National Forest Grazing Advisory Board will meet July 25, 1983, at 8:30 a.m. at Brush Creek Work Center on the Brush Creek District. The Board, Forest Service personnel and interested public will then proceed to review range improvements, range condition and allotment management on the Brush Creek Ranger District.

The Board will make recommendations concerning range analysis development of Allotment Management Plans and utilization of Range Betterment Funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify Range Staff Officer, Ladd G. Frary, Medicine Bow National Forest (307.745–8971) prior to the meeting date. Public members may participate in discussions during the tour at any time or may file a written statement following the meeting

Dated: June 14, 1983.

Sonny J. O'Neal,

Forest Supervisor.

[FR Doc. 83-16661 Filed 6-21-83; 8:45 am]
BILLING CODE 3410-11-M

Packers and Stockyards Administration

Proposed Posting of Stockyards

The Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

MO–256 I–70 Farmers Livestock Market, Higginsville, Missouri
NY–164 Homestead Auction Service, Schuyler, New York

Notice is hereby given, therefore, that the Packers and Stockyards Administration, pursuant to authority under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*), proposes to designate the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed designation, may do so by filing them with the Chief, Financial Protection Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by July 7, 1983.

All written submissions made pursuant to this notice shall be made available for public inspection in the office of the Chief of the Financial Protection Branch during normal business hours.

Done at Washington, D.C., this 16th day of June 1983.

Jack W. Brinckmeyer,

Chief, Financial Protection Branch, Livestock Marketing Division.

[FR Doc. 83-16785 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-02-M

Office of the Secretary

Forms Under Review by Office of Management and Budget

June 17, 1983.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96-511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Marshall L. Dantzler, Acting Department Clearance Officer, USDA, OIRM, Room 108-W Admin. Bldg., Washington, D.C. 20250, (202) 477-6201.

Comments on any of the items listed should be submitted directly to: Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503, Atten: Desk Officer for USDA.

If you anticipate commenting on a submission but find that preparation time will prevent you from doing so promptly, you should advise the OMB Officer of your intent as early as possible.

New

- Agricultural Stabilization and Conservation Service

Dairy Refund Program Application
ASCS-135
Annually
Individuals or households and farms: 15,000 responses; 7,500 hours; not applicable under 3504(h)
Gerald Schiermeyer (202) 447-7674

Revised

- Statistical Reporting Service

Monthly
Farm Raised Processed Catfish Report
Monthly
Small businesses: 180 responses; 45 hours; not applicable under 3504(h)
Lee Sandberg (202) 447-6820

- Statistical Reporting Service

Minnesota Pesticide Survey
Annually
arms: 3,435 responses; 861 hours; not applicable under 3504(h)
Lee Sandberg (202) 447-6820

- Farmers Home Administration

Application Reference Letter (A Request for Credit Reference) FmHA 410-8
On occasion
Businesses: 237,682 responses; 78,435 hours; not applicable under 3504(h)
Ruth Smith (202) 382-1488

Marshall L. Dantzler,

Acting Department Clearance Officer.

[FR Doc. 83-16672 Filed 6-21-83; 8:45 am]

BILLING CODE 3410-01-M

CIVIL AERONAUTICS BOARD

[Order 83-6-56]

Fitness Determination of Centennial Airlines, Inc.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 83-6-56, Order to Show Cause.

SUMMARY: The Board is proposing to find that Centennial Airlines, Inc. is fit, willing, and able to provide commuter air carrier service under section 419(c)(2) of the Federal Aviation Act, as amended; that it has the ability to provide reliable essential air service; and that the aircraft used in this service conform to the applicable safety standards. The complete text of this order is available as noted below.

DATES: Responses: All interested persons wishing to respond to the Board's tentative finess determination shall serve their responses on all persons listed below no later than July 6, 1983, together with a summary of the testimony, statistical data, and other material relied upon to support the allegations.

ADDRESSES: Responses or additional data should be filed with the Essential Air Service Division, Room 921, Civil Aeronautics Board, Washington, D.C. 20428, and with all persons listed in Appendix D of the order.

FOR FURTHER INFORMATION CONTACT: Carolyn Kramp, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5919.

SUPPLEMENTARY INFORMATION: The complete text of Order 83-6-56 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 83-6-56 to Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: June 16, 1983.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 83-16776 Filed 6-21-83; 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Antidumping; Postponement of Final Determination; Carbon Steel Wire Rod From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of postponement of final antidumping determination; carbon steel wire rod from Brazil.

SUMMARY: This notice informs the public that the Department of Commerce (the Department) has received requests from the Companhia Siderurgica da Guanabara (COSIGUA) and the Companhia Siderurgica Belgo-Mineira (Belgo-Mineira) that the final determination be postponed until not later than 135 days after the date of publication of the preliminary determination, as provided for in section 735 (a)(2)(A) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d (a)(2)(A)), and, that the Department has determined to postpone its final determination as to whether sales of carbon steel wire rod from Brazil have occurred at less than fair value; until not later than September 16, 1983.

COSIGUA and Belgo-Mineira are qualified to make this request since they are the exporters who account for approximately one hundred percent of the merchandise which is the subject of the investigation. We have considered the positions presented by all parties to the investigation regarding postponement of the final determination and have determined that the additional time is necessary.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Jr., Office of Investigations, Import Administration,

International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, Telephone (202) 377–4929.

SUPPLEMENTARY INFORMATION: On October 20, 1982, the Department of Commerce published a notice in the **Federal Register** (47 FR 47452) that it was initiating under section 732(b) of the Act (19 U.S.C. 1673a (b)), an antidumping investigation to determine whether carbon steel wire rod from Brazil is being, or is likely to be, sold at less than fair value. The Department published an affirmative preliminary determination on May 4, 1983 (48 FR 20106). The notice stated that if this investigation proceeded normally we would make a final determiantion by July 12, 1983. Section 735(a)(2) of the Act provides that the Department of Commerce may postpone its final determination concerning sales at less than fair value if exporters who account for a significant proportion of the merchandise which is the subject of the investigation request an extension after an affirmative preliminary determination.

Accordingly, the Department will issue a final determination in this case not later than September 16, 1983.

Our notice of the preliminary determination provided interested parties an opportunity to request a public hearing. As no requests for a hearing were received in the allotted time, there will be no public hearing in this investigation.

This notice is published pursuant to section 735(d) of the Act.

Dated: June 13, 1983.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-16664 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-25-M

Antidumping; Certain Tapered Journal Roller Bearings and Parts Thereof From Japan; Postponement of Preliminary Antidumping Determination

AGENCY: International Trade Administration, Commerce.

ACTION: Postponement of preliminary antidumping determination.

SUMMARY: The preliminary determination of certain tapered journal roller bearings and parts thereof from Japan is being postponed until not later than August 24, 1983.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond Busen, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377–1273.

SUPPLEMENTARY INFORMATION: On February 24, 1983, we announced our initiation of an antidumping investigation to determine whether certain tapered journal roller bearings and parts thereof from Japan are being, or are likely to be, sold in the United States at less than fair value (48 FR 7766). The notice stated that we would issue a preliminary determination by July 5, 1983.

Section 733(c)(1)(B) of the Tariff Act of 1930, as amended (the Act), provides that the Department of Commerce may postpone its preliminary determination if it concludes that the parties involved are cooperating in the investigation, if it determines that the case is extraordinarily complicated, and if additional time is needed to make the preliminary determination. We find these factors to exist in the present case. Specifically, we determine that the case is extraordinarily complicated by reason of the novelty of the issues presented in that there apparently are no home market sales of such or similar merchandise. This requires a determination of proper third country markets where such or similar merchandise is sold. Accordingly, we intend to issue a preliminary determination not later than August 24, 1983.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: June 13, 1983.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-16661 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-25-M

Antidumping Postponement of Final Determination and Hearing; Carbon Steel Wire Rod From Trinidad and Tobago; Correction

AGENCY: International Trade Administration, Commerce.

ACTION: Correction of notice of postponement of final antidumping determination and postponement of hearing; carbon steel wire rod from Trinidad and Tobago.

SUMMARY: On June 8, 1983, the Department of Commerce published a Notice of Postponement of Final Determination and Postponement of Hearing on Carbon Steel Wire Rod from Trinidad and Tobago (48 FR 26506). Under the paragraphs headed "Summary" and "Supplementary Information", the date of the final determination, "August 2, 1983" should be corrected to read "September 16, 1983". Under the paragraph headed "Summary", the third and forth sentences should be corrected to read, "The new hearing date is July 20, 1983, at 2:00 p.m. in Conference Room 3092. The prehearing briefs will be due on July 12, 1983."

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: John Brinkmann, Jr. or Mary Jenkins, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, Telephone (202) 377–4929 or 4136.

Dated: June 13, 1983.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-16665 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-25-M

Certain Stainless Steel Sheet and Strip Products From France; Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Antidumping duty order.

SUMMARY: In separate investigations, the United States Department of Commerce ("the Department") and the United States International Trade Commission ("ITC") have determined that certain stainless steel sheet and strip products from France are being sold at less than fair value and that sales of certain stainless steel sheet and strip products from France are materially injuring, or threatening to materially injure, a United States industry. Therefore, all entries, or warehouse withdrawals, for consumption of certain stainless steel sheet and strip products made on or after December 9, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, will be liable for the possible assessment of antidumping duties. Further, a cash deposit or bond of estimated antidumping duties must be made on all such entries, and withdrawals from warehouse, for consumption made on or after the date of publication of this antidumping duty order in the **Federal Register**.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Raymond G. Busen, Office of Investigations, International Trade Administration, United States Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Telephone: (202) 377–1784.

SUPPLEMENTARY INFORMATION: For the purpose of this antidumping duty order, the term "certain stainless steel sheet and strip products" covers hot- or cold-rolled stainless steel sheet strip, excluding hot- or cold-rolled stainless steel sheet strip not over 0.01 inch in thickness, as currently provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated.*

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is a flat-rolled stainless steel product whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless strip is a flat-rolled stainless steel strip product whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width. Cold-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included in these investigations.

In accordance with section 735 of the Tariff Act of 1930, as amended ("the Act") (19 U.S.C. 1673b), on December 9, 1982, the Department published its preliminary determinations that there was reason to believe or suspect that certain stainless steel and strip products from France were being sold at less than fair value (47 FR 55404). On April 29, 1983, the Department published its final determinations that these imports were being sold at less than fair value (48 FR 19441). On June 6, 1983, the Department published its amended final affirmative determinations of sales at less than fair value (48 FR 25244).

On June 9, 1983, in accordance with section 735(b) of the Act (19 U.S.C. 1673(b)), the ITC determined and notified the Department that such importations are materially injuring, or threatening to materially injure, a United States industry.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department directs United States Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of certain stainless steel sheet and strip products from France. This antidumping duty will be assessed on all certain stainless steel sheet and strip products entered, or withdrawn from warehouse, for consumption on or after December 9, 1982, the date on which the Department published its "Suspension of Liquidation" notice in the **Federal Register**, and on all future entries of said merchandise.

On and after the date of publication of this notice, United States Customs officers must require, at the same time as importers would normally deposit estimated Customs duties on this merchandise, a cash deposit or bond equal to the estimated antidumping duty margins expressed below:

	Weighted-average margins
Hot-Rolled Stainless Steel Sheet	
Ugine-Gueugnon	2.9
Usinor	4.7
Peugeot-Loire	6.1
All Other Manufacturers/Producers/Exporters	3.4
Hot-Rolled Stainless Steel Strip	
Ugine-Gueugnon	3.9
Usinor	7.9
Peugeot-Loire	14.6
All Other Manufacturers/Producers/Exporters	5.3
Cold-Rolled Stainless Steel Sheet	
Ugine-Gueugnon	2.9
Usinor	4.7
Peugeot-Loire	6.1
All Other Manufacturers/Producers/Exporters	3.4
Cold-Rolled Stainless Steel Strip	
Ugine-Gueugnon	3.9
Usinor	7.9
Peugeot-Loire	14.6
All Other Manufacturers/Producers/Exporters	5.3

These determinations constitute an antidumping order with respect to certain stainless steel sheet and strip products from France, pursuant to section 736 of the Act (19 U.S.C. 1673e) and section 353.48 of the Commerce Regulations (19 CFR 353.48). The Department intends to conduct an administrative review within twelve months of publication of this order, as provided in section 751 of the Act (19 U.S.C. 1675).

We have deleted from the Commerce Regulations, Annex 1 to 19 CFR Part 353, which listed antidumping findings and orders currently in effect. Instead, interested parties may contact the Office of Information Services, Import Administration, for copies of the updated list of orders currently in effect.

This notice is published in accordance with section 736 of the Act (19 U.S.C. 1673e) and § 353.48 of the Department of Commerce Regulations (19 CFR 353.48).

Alan F. Holmer,

Deputy Assistant Secretary for Import Administration.

June 16, 1983.

[FR Doc. 83-16741 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-25-M

Industrial Nitrocellulose From France; Countervailing Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Countervailing Duty Order—Industrial Nitrocellulose From France.

SUMMARY: In separate investigations, the U.S. Department of Commerce (the Department) and the U.S. International Trade Commission (ITC) have determined that certain benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, and exporters in France of industrial nitrocellulose and that these imports are materially injuring a U.S. industry. Therefore, all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after March 22, 1983, the date of publication of our final determination, are liable for the possible assessment of countervailing duties. Further, a cash deposit of estimated countervailing duties must be posted on all such entries made on or after publication of this order in the **Federal Register**.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Gary Taverman or Andrew Debicki, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202 377–0161/5403.

SUPPLEMENTARY INFORMATION: On December 30, 1982, we published our preliminary determination that certain benefits which constitute subsidies within the meaning of the countervailing duty law were not being provided to manufacturers, producers, or exporters in France of industrial nitrocellulose (47 FR 58330). On March 22, 1983, we published our final affirmative countervailing duty determination that certain benefits which constitutue subsidies within the meaning of the countervailing duty law are being provided to manufacturers, producers, or exporters in France of industrial nitrocellulose on these imports (48 FR 11971), and on June 6, 1983, we published an amendment to our final affirmative countervailing duty determination (48 FR 25254).

On June 6, 1983, the ITC notified us in accordance with section 705(b) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1671d(b)), that it had determined that an industry in the United States is being materially injured by reason of imports of industrial nitrocellulose from France. Therefore, all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after March 22, 1983, the date of publication of our final determination, are liable for the possible assessment of countervailing duties.

Scope of Countervailing Duty Order

The product covered by this countervailing duty order consists of industrial nitrocellulose containing between 10.8 percent and 12.2 percent nitrogen, not to be confused with explosive grade nitrocellulose which contains over 12.2 percent nitrogen. Industrial nitrocellulose is a dry, white, amorphous synthetic chemical produced by the aciton of nitric acid on cellulose. It is extremely flammable, so it is stored and shipped wet with alcohol. Industrial nitrocellulose comes in several viscosities and is used to form film in lacquers, coatings, furniture finishes and printing ink. This product is currently classified as cellulosic plastic materials, other than cellulose acetate, under item number 445.2500 of the *Tariff Schedules of the United States Annotated*. Explosive grade nitrocellulose is classified differently. The product covered by this countervailing duty order is industrial nitrocellulose.

I am directing the U.S. Customs Service to assess countervailing duties in accordance with sections 706(a)(1) and 751 of the Act and to require a cash deposit equal to the amount of the estimated net subsidy for all entries of industrial nitrocellulose imported from France as defined in this order. These orders apply to all entries of the subject merchandise entered, or withdrawn from warehouse, for consumption, on or after the date of publication of this notice. The amount to be deposited for each company is listed below.

Manufacturer/producer/exporter	Ad valorem rate (percent)
Societe Nationale des Poudres et Explosifs	3.604
All other manufacturers, producers, exporters of the product under investigation	3.604

I hereby make public this countervailing duty order with respect to industrial nitrocellulose from France pursuant to section 706 of the Act (19 U.S.C. 1671e) and § 355.36 of the Commerce Regulations (19 CFR 355.36). The Department intends to complete an administrative review of this order under section 751 of the Act.

Dated: June 10, 1983.

John L. Evans,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 83-16866 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-25-M

Final Negative Countervailing Duty Determination Anhydrous and Aqua Ammonia From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Final negative countervailing duty determination.

SUMMARY: We determine that certain benefits which constitute bounties or grants within the meaning of the countervailing duty law are not being provided to manufactures, producers, or exporters in Mexico of anhydrous and aqua ammonia, as described in the "Scope of Investigation" section of this notice. The net bounty or grant is *de minimus*, and therefore our final countervailing duty determination is negative.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Mary A. Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, telephone (202) 377-1273.

SUPPLEMENTARY INFORMATION:

Final Determination

Based upon our investigation, we determine that the government of Mexico has provided certain benefits to manufacturers, producers, or exporters in Mexico of anhydrous and aqua ammonia, as described in the "Scope of Investigation" section of this notice. However, the estimated net bounty or grant is 0.22 percent *ad valorem* which is *de minimis*. Therefore, we determine that no benefits which constitute bounties or grants within the meaning of section 303 of the Act are being provided to manufacturers, producers, or exporters in Mexico of anhydrous and aqua ammonia.

Case History

On October 28, 1982, we received a petition from counsel on behalf of the industry in the United States producing anhydrous and aqua ammonia. The petition alleges that the government of Mexico bestows bounties or grants upon the production or exportation of anhydrous and aqua ammonia within the meaning of section 303 of the Act.

We found the petition to contain sufficient grounds upon which to initiate a countervailing duty investigation and, on November 14, 1982, we started an investigation (47 FR 53440). We stated that we expected to issue a preliminary determination on or before January 21, 1983.

Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act, and therefore section 303 of the Act applies to this investigation. Under this section, since certain of the merchandise being investigated is dutiable, the domestic industry is not required to allege that, and the U.S. International Trade Commission (ITC) is not required to determine whether, imports of this product cause or threaten material injury to a U.S. industry. Similarly, with respect to the merchandise which is nondutiable, no injury determination is required by the ITC because there are no "international obligations" within the meaning of section 303(a)(2) of the Act which require such a determination for nondutiable merchandise from Mexico.

On December 6, 1982, we presented a questionnaire concerning the allegations in the petition to the government of Mexico in Washington, D.C. In a letter dated December 16, 1982, the government of Mexico requested that this case be designated "extraordinarily complicated" under section 703(c)(1)(B) of the Act. On December 29, 1982, we postponed the preliminary determination until not later than March

28, 1983. Under section 703(c)(1)(B) of the Act, we determined that the case is extraordinarily complicated because the alleged subsidy practices are numerous and complex and present novel issues (48 FR 683). We determined that the government of Mexico and the other parties concerned were cooperating, and that additional time was necessary to make the preliminary determination.

The government of Mexico submitted a response to our questionnaire on February 1, 1983. Additional information was supplied on February 4, 1983. After reviewing the government of Mexico's response, we submitted additional questions and resquests for information in a letter dated February 18, 1983. The government of Mexico responded by providing additional information on March 4, 1983.

Petroleos Mexicanos (Pemex), a special governmental organism that produces and exports ammonia, provided additional information on March 17 and 25, 1983.

On March 28, 1983, we issued our preliminary determination in this investigation (48 FR 14729). We preliminarily determined that benefits which constitute bounties or grants within the meaning of the countervailing duty law are being provided to producers or exporters in Mexico of anhydrous and aqua ammonia. The programs preliminarily determined to bestow countervailable benefits were the preferential pricing for natural gas used to manufacture ammonia and "capital contributions," from the Mexican government.

We preliminarily determined that bounties or grants were not being provided to manufacturers, producers, or exporters of ammonia in Mexico under the following programs:

- Preferential export tax program for petrochemicals.
- Certificates of Fiscal Promotion for Domestically Manufactured Capital Goods (CEPROFI).

We preliminarily determined that the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigation" were not used by the manufacturers, producers, or exporters of ammonia:

- Preferential financing.
- Preferential state tax incentives.
- Government financed industrial promotion.
- Preferential vessel freight, terminal, insurance and internal transportation benefits.
- Free export marketing promotion.
- Import duty rebates on equipment used in export production.
- Mexican credit insurance.
- Dual level currency exchange.
- CEPROFIs for priority sectors and/or regions.
- Certificado de Devolucion de Impuesto (CEDI).
- Preferential pricing of industrial energy or basic petrochemical products.

We preliminarily determined we needed additional information regarding the following programs:

- Exemption from revenue tax on natural gas sales.
- Short-term loans and borrowings.

On April 11–22, 1983, we verified the government of Mexico's responses to our questionnaires concerning ammonia.

Our notice of preliminary determination gave interested parties an opportunity to submit oral and written views. We held a public hearing on May 3, 1983, at which counsel for the petitioners, counsel for the Mexican respondents, and counsel for two U.S. purchasers of Mexican ammonia participated.

Scope of Investigation

The merchandise covered by this investigation is anhydrous and aqua ammonia from Mexico. The merchandise is currently classified under *Tariff Schedules of the United States Annotated* (TSUSA) numbers 480.6540, 480.6560, 417.2000, and 417.2200.

Anhydrous and aqua ammonia imported under item numbers TSUSA 480.6540 and 480.6560 are duty free. Imports of anhydrous and aqua ammonia under TSUSA item numbers 417.2000 and 417.2200 are dutiable.

Currently, Pemex is the only Mexican producer of ammonia for export sales. Fertilizantes Mexicanos, S.A. (Fertimex) produces a small amount of ammonia for its own internal consumption in manufacturing ammonia-based fertilizers. Pemex exports only liquid anhydrous ammonia; it does not export aqua ammonia (ammonia in solution).

The period for which we are measuring subsidization is January 1, 1982, to September 30, 1982.

Analysis of Programs

Based upon our analysis of the petition, the responses to our questionnaires, our verification, and oral and written comments by interested parties, we determine the following:

I. Program Determined To Confer Bounties or Grants

We determine that bounties or grants are being provided to the manufacturers, producers, or exporters of anhydrous and aqua ammonia in Mexico, under the following program of the government of Mexico:

A. Grants From the Mexican Government

Pemex's annual reports and the government of Mexico's response show that from 1938 until 1975, Pemex received 6,318.2 million pesos as "capital contributions" from the federal Mexican government.

We verified that four of the items included in the "capital contributions" were provided less than 20 years ago, and that 20 years is the average useful life of capital assets in Pemex's petrochemical plants. Three of the items represent forgiveness of taxes due the Mexican government and the fourth item represents the government of Mexico's payment of Pemex's bank debts. We also verified that the value of each grant exceeded one percent of gross sales, and none of the grants were directly related to ammonia production.

We applied our usual grants methodology to the four grants described and allocated their benefits over 20 years. Since we allocated benefits received in one year to other years, we determined the present value of the benefits by using a discount rate. "Present value" is a mechanism for allocating money received in one year to other years and is calculated using a discount rate. We prefer to use the long-term government bond rate in the currency involved as the discount rate. However, the Mexican government's response states that there is no secondary market for long-term government securities. Thus, the Department used as the discount rate the U.S. long-term federal bond rate for the year the grants were received. Since these rates reflect the U.S. dollar discount rates, grant amounts were converted to dollars at the peso/dollar exchange rate when the grant was given. This was done because the grants were denominated in pesos, but the source of the discount rate reflected no exchange rate risk over the period of the grant.

We calculated the net bounty or grant for the grants Pemex received from the government of Mexico by allocating the net benefit over Pemex's total sales. This amount is 0.22 percent *ad valorem*.

II. Programs Determined Not To Confer Bounties or Grants on the Merchandise Under Investigation

We determine that bounties or grants are not being provided to manufacturers, producers, or exporters in Mexico of anhydrous and aqua ammonia under the following programs:

A. Pricing Policy for Natural Gas

As noted above, Pemex is the only Mexican producer of ammonia for either domestic or export sale. Fertimex produces a small amount of ammonia (approximately 16,000 metric tons per year) for its own internal consumption, but it does not make export sales of ammonia.

Pemex is a special governmental organism created by the Decree of the Congress of the United Mexican States of June 7, 1938. The Mexican government carries out the exploration and exploitation of the nation's hydrocarbon assets through Pemex. The principal purposes of Pemex are the exploration, exploitation, refining, transportation, storage, distribution and first-hand sale of petroleum, natural and synthetic gas and refined products; the manufacture, storage, transportation, distribution and first-hand sale of petroleum derivatives which can be used as basic industrial raw materials; and such other activities as are directly or indirectly related to the petroleum and petrochemical industries.

Petitioners allege that the government of Mexico's pricing policies for natural gas operate to confer a bounty or grant on Pemex's manufacturer of ammonia. Natural gas is used as a feedstock and energy source in the production of ammonia. Petitioners further allege that the government of Mexico provides Pemex with natural gas at a price well below a commercially reasonable rate. Petitioners urged at the hearing, as well as in memoranda filed before and after the hearing, that the commercial benchmark against which to calculate the natural gas input bounty or grant is Pemex's "opportunity cost" for the natural gas.

We verified that the price of natural gas for export sales was substantially higher than the price of natural gas within Mexico during the period for which we are measuring subsidization. We find, however, that the existence of a price differential between export and domestic sales of natural gas does not, in and of itself, confer a bounty or grant to ammonia producers within Mexico. Rather, we follow the criteria in section 771(5) of the Act to determine whether this practice confers either an export or domestic bounty or grant. While this investigation is governed procedurally by section 303 of the Act, the analysis of programs is based on Title VII of the Act (*see* section 103(b) of the Trade Agreements Act of 1979).

We determine that the pricing differential for export and domestic sales of Mexican natural gas confers neither an export subsidy nor a domestic subsidy upon the Mexican ammonia industry. The pricing differential does not confer a benefit contingent upon export performance, nor does it stimulate export sales of ammonia over domestic sales. Nor is it limited to a "specific enterprise or industry, or group of enterprises or industries" within Mexico. Therefore, even though Pemex receives a higher price for export sales than for domestic sales of ammonia, no bounty or grant is thereby conferred.

Petitioners also note that the natural gas is available to industrial users within Mexico at prices below those charged to other users. There are two categories of natural gas prices in Mexico, one for industrial use and another for residential use. Both are set by the Direccion General de Precios of the Secretaria de Comercio. The industrial use category is applicable to gas sold for industrial purposes, while the residential use category applies to gas sold for residential, commercial and service uses.

We verified that all industrial users of natural gas not receiving sector or region specific-benefits under the National Industrial Development Plan (Pemex does not receive such benefits for use in producing ammonia, see section III. K.) are charged the same price for this product. Since all industrial users of natural gas can obtain this good at the same price, gas is not provided to a "specific enterprise or industry, or group of enterprises or industries" under section 771(5)(B) of the Act. Therefore, a domestic bounty or grant is not conferred. In addition, the price to all industrial users of natural gas is not contingent upon export performance. Nor do we have any information to indicate that the pricing policy for industrial users is operated to stimulate export sales over domestic sales. Thus, this practice does not confer an export bounty or grant.

Petitioners alleged a bounty or grant is conferred because Pemex's cost of natural gas used in producing ammonia is less than the price charged to other industrial users of natural gas. Because Pemex is an integrated producer, it uses its internal natural gas supplies in manufacturing ammonia rather than purchasing natural gas. For internal cost accounting purposes, Pemex accounts for internal gas usage based upon costs, calculated on an annual basis. We verified that in 1981, the most recent period for which the information was available, Pemex's internal costs for natural gas used in ammonia production exceeded the price of natural gas for industrial users in Mexico at the time. Accordingly, there is no verified evidence that the ammonia industry received natural gas at rates which are preferential as compared to rates applicable to other industrial gas users in Mexico.

B. Export Tax Program for Petrochemicals

In a memorandum filed March 10, 1983, petitioner alleged that the government of Mexico's export tax on crude oil and derivatives, that excludes petrochemicals, confers a bounty or grant on the ammonia industry. After reviewing the government of Mexico's response, petitioners alleged that the government of Mexico imposes a 58 percent export tax on crude oil ad derivatives, while exempting petrochemicals, chiefly ammonia, from any export tax at all. Thus, it appears to petitioners that Pemex's export sales of ammonia are relieved, in whole or in part, from tax burden imposed on exports of crude oil, its derivatives, and natural gas.

We verified that during the period for which we are measuring subsidization, Pemex paid a 15 percent tax on gross income from all domestic and export petrochemical (including ammonia) sales. In 1983, the Revenue Tax applicable to Pemex changed to one tax rate for all products for both domestic and export sales. The amount of tax is based upon the value of crude oil or its equivalent amount incorporated in the product.

Petitioners argue that the Department is bound by *Hammond Lead Products, Inc. v. United States*, 306 F. Supp. 460 (Cust. Ct. 1969), *rev'd* 440 F. 2d 1024 (C.C.P.A.), *cert. denied*, 404 U.S. 1005 (1971). In *Hammond Lead*, the Customs Court decided that, based on the facts of that case, a Mexican tax scheme whereby all lead products except litharge were subject to a significant export tax conferred a bounty or grant. While the Department of the Treasury, the former administering authority, appealed the *Hammond Lead* decision on the merits of the case, the issue ws never decided because the case was reversed and dismissed by the Court of Customs and Patent Appeals on jurisdictional grounds. Therefore, neither the Treasury nor the Commerce Department has followed the lower court decision.

Futhermore, in *Hammond Lead* the Court did not necessarily determine that all exemptions from export taxes are countervailable. Although the imposition or removal of a disadvantage may affect production of a particular good and thus its trade flow, a bounty or grant does not necessarily result. Such logic would

lead us to conclude that the imposition or nonimposition of virtually any disadvantage is or may be subsidy. Any time a government intervened at the border—such as with export taxes, import duties, or quantitative import or export restriction on a product used as an imput in further production—such action arguably could increase the quantities (and possibly lower the prices) of the domestically produced input product available in further production. The proposition that such governmental action necessarily confer bounties or grants is untenable on its face, and unsupported by the Act and its legislative history.

In any case, this investigation is distinguishable from *Hammond Lead*, where the court observed that litharge was the sole lead product exempted from an export tax. Other lead products were taxed. In this case all petrochemical products including ammonia paid a lower tax on all sales than the export tax rate on natural gas.

The fact that exports of natural gas—from which ammonia is made—are subject to a significant export tax might discourage exports of natural gas. Theoretically, this could encourage the domestic sale and use of natural gas and that could stimulate production of goods derived from gas, including ammonia. However, such possible increased production would not necessarily stimulate export sales of ammonia over domestic sales, even if all such sales consequently increased. In addition, the gross revenue tax on ammonia sales is not contingent upon export performance by Mexican ammonia producers. Moreover, the amount of natural gas exports to the United States is limited by United States government regulation and by the purchase decisions of the Border Gas Consortium. Therefore, we determine that the gross revenue tax on ammonia, which is lower than the export tax on natural gas, is not an export bounty or grant.

Nor does the export tax arrangement cited by petitioner confer a domestic bounty or grant. Even if the tax system applicable to Pemex prior to 1983 theoretically encourages domestic sales of natural gas at prices lower than those which would be available if there were no export tax, such gas was not provided to a "specific enterprise or industry, or group of enterprises or industries." It was generally available and used by a wide spectrum of industries and individual consumers.

Moreover, the argument that an export tax on an input (in this case natural gas) confers a bounty or grant on a product (ammonia) using this input, must be based on the fact that the government caused the domestic price of the input to the ammonia industry to drop through use of the export tax (because less would be exported, domestic supply would increase, and the cost per unit would thereby decrease). However, actural prices would depend on a complicated interaction of domestic and international supply and demand elasticities and substitution effects.

We have no evidence indicating that the Mexican government performed such a complicated analysis and selected a specific industry or group of industries. Furthermore, any price effect caused by the export tax would be generally available in the Mexican economy to all users of natural gas.

For the above reasons, we determine that Mexico's imposition of a 58 percent tax on exports of natual gas, and a 15 percent tax on all sales of petrochemicals including ammonia, does not confer a bounty or grant on ammonia producers.

C. Exemption From Revenue Tax on Natural Gas Sales

Petitioner alleges that the ammonia industry receives a bounty or grant because Pemex does not pay a 27 percent revenue tax when it transfers natural gas for ammonia production within the corporation. Pemex must pay the tax when it sells natural gas to unrelated domestic buyers.

We verified that Pemex does not pay a revenue tax on its internal consumption of natural gas. There is, however, no sale, transfer of title, or transfer price involved in Pemex's conversion of a portion of its natural gas production into ammonia. The only sale that occurs is the sale of the ammonia produced from the natural gas. Since internal consumption of natural gas does not constitute a sale or generate revenues, such consumption does not provide a basis for calculation of a revenue tax. Consequently, we determine that Pemex's exemption from the revenue tax on natural gas used to produce ammonia is not a bounty or grant.

D. Certificates of Fiscal Promotion for Domestically Manufactured Capital Goods

In 1979, the government of Mexico introduced a four-year National Industrial Development Plan (NIDP) which spells out broad economic goals for the country. Tax credits which are called Certificates of Fiscal Promotion (CEPROFIs) are used to promote the NIDP goals, which include increasing employment, promoting regional decentralization, and developing industry, particularly small and medium-sized firms.

CEPROFI certificates are non-transferable tax certificates of a fixed value and a five-year term which may be used to pay federal taxes. CEPROFI certificates are granted for many purposes including investments in "priority" industrial regions of the country, as well as for investments that are available to all companies on equal terms. The amounts of the CEPROFI is based upon the location of the activity, the number of jobs generated, the value of investment in new plant and equipment, or the value of purchases of capital goods produced in Mexico.

We verified that Pemex received CEPROFIs for new, domestically manufactured capital goods and for salary adjustments. The wage and salary CEPROFI received by Pemex in 1982 was provided on a one-time basis to any company that would increase wages. Similarly, the CEPROFIs for domestically manufactured goods are not limited to a specific industry, group of industries, or to companies located in specific regions of the country. Consequently, we do not consider that either of these CEPROFIs confers a bounty or grant.

E. Short-Term Loans and Borrowings

We verified that Pemex received various short-term loans and borrowings at rates corresponding to market rates from Fondo de Financiamento del Sector Publico (Fondo), and that National Financiera, that Mexican industrial development bank, acts as its agent for arranging commercial borrowing. Fondo provides loans to public institutions. These are usually short-term rollover loans, which change rates every week or month.

Pemex usually does its own borrowing, but on some occasions it uses National Financiera as its agent for obtaining foreign loans. No guarantees were provided on the loans obtained through National Financiera. We do not consider such loans and borrowings at commercial rates to involve bounties or grants.

F. Dual Level Currency Exchange

Petitioners allege that manufacturers, producers, or exporters of ammonia receive benefits under a discriminatory exchange rate system because they receive more pesos per dollar for export sales than they receive for the payment of debt or the importation of goods.

We have verified that the dual exchange rate is not applicable to Pemex, because Pemex is permitted to maintain a dollar account for the

purpose of making payments with respect to foreign purchases and foreign debt obligations. There is not sufficient evidence in the record to suggest that this system confers a countervailable benefit to Pemex.

III. Programs Determined Not Used

We determine that the following programs which were listed in the notice of "Initiation of Countervailing Duty Investigation" are not used by the manufacturers, producers, or exporters of ammonia.

A. Preferential Financing

FOMEX is a trust established by the government of Mexico to promote the manufacture and sale of exported products. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico acting as The trustee. the Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions establish contracts for lines of credit with manufacturers and exporters of merchandise.

We verified that Pemex has not received any FOMEX pre-export financing with respect to ammonia, and there has been no FOMEX export financing of Pemex ammonia exports to the United States.

B. Preferential State Tax Incentives

There is no evidence to indicate that the ammonia industry received any tax incentives, tax discounts or tax rebates from Mexican state or local governments. In addition, there is no evidence that the ammonia industry received any special treatment on real estate taxes or on infrastructure taxes.

C. Government Financed Technology Development

We verified that Pemex did not receive any preferential loans, grants, or other assistance under the NIDP to help acquire technology for new plant and equipment. Moreover, we verified that Pemex has paid foreign consultants to provide design engineering or technical assistance in planning the construction of ammonia facilities.

D. Government Financed Industrial Promotion

We verified that Pemex did not receive any financial, technical, or other assistance for industrial promotion.

E. Preferential Vessel, Freight, Terminal, Insurance and Internal Transportation Benefits

We verified that the ammonia industry did not receive any direct or indirect tax rebates or price discounts or rebates on freight, vessel, insurance, or terminal storage expenses incurred for domestic transporation of ammonia from the plant to seaports, or from the plant to border points for export to the United States. We also verified that the ammonia industry did not receive any direct or indirect tax rebates or any price discounts or rebates on brokerage, seaport handling, ocean freight, or ocean insurance for exportation of ammonia to the United States.

F. Free Export Marketing Promotion

We verified that the ammonia industry has not received overseas marketing and technical services from the Mexican Foreign Trade Institute for exportation of ammonia to the United States.

G. Import Duty Rebates on Equipment Used in Export Production

We verified that the ammonia industry has not received import duty reductions or rebates on imported equipment used by the ammonia industry.

H. Mexican Credit Insurance

Petitioners allege that Mexican manufacturers receive commercial risk insurance at preferential rates for exports from the Compania Mexicana de Seguros de Credito (COMESEC). COMESEC is a company founded by law and owned by private insurance companies which provides export insurance. We verified that Pemex does not use COMESEC commercial risk insurance.

I. CEPROFIs for Priority Sectors and/or Regions

During the period for which we are measuring subsidization, we verified that Pemex did not receive any CEPROFIs for the purpose of encouraging industrial development in specific regions of Mexico, or benefits targeted to a specific sector or sectors of the economy.

J. Certificado de Devolucion de Impuesto (CEDI)

CEDI is a tax certificate issued by the government of Mexico in an amount equal to a percentage of the f.o.b. value of exported merchandise or, if national insurance and transportation are used, percentage of the c.i.f. value of exported product.

The government of Mexico suspended the eligibility of all products for CEDI tax rebates by an Executive Order published on August 25, 1982, in the *Diario Oficial.*

We verified that Pemex never received CEDIs for ammonia.

K. Preferential Pricing of Industrial Energy and Basic Petrochemical Products

The regulations regarding price differentials published in the *Diario Oficial* on December 29, 1978, and June 19 and June 21, 1979, state that companies in a priority development zone (Category 1–A) may receive 30 percent discounts on the cost of their industrial energy. Also, petrochemical companies in this priority development zone are, under certain conditions, including agreement to export at least 25 percent of their production for three years, eligible to receive a 30 percent discount on their consumption of basic petrochemical products.

We verified that Pemex did not receive benefits under this program.

Petitioner's Comments

Comment 1

Petitioners contend that the Department should use a commercially reasonable rate as a benchmark for determining whether the government of Mexico is providing Pemex a bounty or grant through the price of natural gas used for ammonia production rather than the benchmark used in the preliminary determination—*i.e.*, the price of natural gas to all industrial users in Mexico.

DOC Position

As described in the section entitled "Pricing Policy for Natural Gas," we determined that all industrial users of natural gas can obtain this good at the same price. Therefore, this rate for natural gas is generally available, because it is provided to more than a "specific enterprise or industry, or group of enterprises or industries" within the meaning of section 771(5)(B) of the Act.

However, even if natural gas at this rate were not generally available, we would not find this rate to be a subsidy, because this rate is not preferential within the meaning of subsection 771(5)(B)(ii) of the Act. While we recognize that subsections (i)-(iv) do not constitute an all-inclusive list of domestic subsidies, we maintain that where a particular subsection clearly covers a given program, the determination whether that program is a subsidy must be based upon the standard contained in the relevant subsection. Also, while there may be some situations in which it may be debatable as to which subsection most clearly describes a particular program, this problem, this problems does not arise here, because the provision of natural gas clearly involves the

provision of a good within the meaning of subsection (ii). Therefore, we determine that subsection (ii) is the controlling provision insofar as the provision of natural gas by the government of Mexico is concerned.

The standard contained in subsection (ii) is "preferential," which normally means only more favorable to some within the relevant jurisdiction than to others within that jurisdiction. In this context, it does not mean "inconsistent with commercial considerations," a distinct term used in subsection (i) (which is not applicable with regard to the provision of natural gas, because it does not involve the provision of capital, loans, or loan guarantees). Therefore, we do not regard a "commercially reasonable" benchmark as the appropriate standard for determining whether the provision of natural gas to Pemex is a bounty or grant.

Comment 2

Petitioners urge that the Department should use the opportunity cost concept in identifying the benchmark for determining whether Pemex is obtaining a bountry or grant through the price of natural gas for ammonia production. The opportunity cost, petitioners state, is the difference between what Pemex's gas could bring in the world market, and what Pemex charges itself for gas used in ammonia production. Petitioners contend that their opportunity cost theory is supported by cases in which the Department applied market interest rates to determine whether particular loans or equity investment constituted subsidies.

DOC Position

As stated in our position on Comment 1, a commercially reasonable benchmark is not the appropriate standard for determining whether the provision of natural gas to Pemex is a bounty or grant. However, even if it were appropriate, there would be no basis in law or fact for the use of an opportunity cost concept. The opportunity cost concept is totally speculative, and its use would involve the Department in a theoretical investigation to determine alternative uses of resources. Although petitioners emphasize the existence of some "market price" outside Mexico for natural gas used by PEMEX, they fail to identify this "market price." Moreover, petitioners admitted at the public hearing that there are numerous national markets with a variety of prices.

It has not been the Department's policy to make cross-border comparisons in determining whether, or to what extent, subsidies are conferred. In view of the extremely speculative nature of the commercial benchmark proposed by petitioners, the use of such comparisons would be particularly inappropriate in this case.

Comment 3

Petitioners argue that the Department erred by failing to find that the exclusion of ammonia from respondent's export tax on crude oil and derivatives is a countervailable bounty or grant.

DOC Position

We determine that the gross revenue tax on petrochemicals including ammonia, which is lower than that export tax on crude oil and natural gas, is not a bounty or grant. See section entitled "Export Tax Program for Petrochemicals".

Comment 4

Petitioners contend that the Department must include the lack of a 27 percent revenue tax on Pemex's natural gas used to produce ammonia in calculating the final subsidy margin.

DOC Position

Pemex's internal consumption of natural gas to produce ammonia does not constitute a sale and, therefore, does not provide a basis for calculation of a revenue tax. Accordingly, there is no bounty or grant.

Respondents' Comments

Comment 1

The "preferential pricing" standard for natural gas used to produce ammonia used by the Department for its preliminary determination is inapplicable to the facts in this case, since there is no sale or "provision" of natural gas by one entity to another in Pemex's production of ammonia.

DOC Position

We agree that Pemex does not sell natural gas to itself for ammonia production. On the basis of our verification, there is no evidence that Pemex's internal accounting of costs for natural gas used to produce ammonia results in a price lower than the general industrial price of natural gas in Mexico.

Comment 2

The "capital contributions" of the Mexican government do not constitute subsidies. Pemex contends that, because it is part of the Mexican government, the capitalization of taxes and the absorption of loans had no effect on the Mexican government, since the assumptions of liabilities were offset by equivalent increases in the equity of Pemex.

DOC Position

The question of whether Pemex received a bounty or grant from the Mexican government's "capital contributions" is not determined by the net effect on the government but rather by the net effect on Pemex. We determine that these "capital contributions" were tax forgiveness and absorption of debt, which constitute bounties or grants to Pemex from the Mexican government.

Comment 3

Counsel for Pemex argues that the Department overstated the *ad valorem* effect of the preliminary determination.

DOC Position

On the basis of our verification, we agree that there is no bounty or grant with respect to Pemex's cost of natural gas used to produce ammonia and that certain "capital contributions" were provided more than 20 years ago. However, we consider grants provided during the last 20 years to be countervailable as described in the section titled "Grants from the Mexican Government".

Verification

In accordance with section 776(a) of the Act, we verified the data used in making our final determination. During the verification we followed normal procedures, including inspection of documents, interviews with government officials, and on-site inspection of the records and operations of Pemex and Fertimex.

Administrative Procedures

The Department gave interested parties an opportunity to present oral views in accordance with its regulations (19 CFR 355.35). In accordance with the Department's regulations (19 CFR 355.34(a)), oral and written views have been received and considered. We hereby conclude our investigation regarding this case.

This notice is published pursuant to section 303 and 705(d) of the Act (19 U.S.C. 1303, 1671(d)).

Dated: June 10, 1983.

William T. Archey,

Acting Assistant Secretary for Trade Administration.

[FR Doc. 83-16712 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcements; New York

AGENCY: Minority Business Development Agency, Commerce.
ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) program to operate one project for a 12-month period beginning October 1, 1983 in the New York (Manhattan), New York SMSA. The cost of the project is estimated to be $273,939. The maximum Federal participation amount is $232,848. The minimum amount required for non-Federal participation is $41,091. The award number will be 02-10-83015-01.

Applicants shall be required to contribute at least 15% of the total program costs through non-Federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

DATE: Closing date: July 8, 1983.

ADDRESS: New York Regional Office, Minority Business Development Agency, U.S. Department of Commerce, 26 Federal Plaza, Room 36-116, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Joseph F. Korpsak, Telephone: (212) 264-3262.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The MBDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants. Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Minority Business Development Center Applications. The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Minority Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff*—provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

—The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

—Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

—Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local, public and private—entities that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

—List personnel to be used. Indicate their salaries, educational level and previous experience. Provide resumes for all professional staff personnel.

—Demonstrate competence among staff to effecutate mergers, acquisitions, spin-offs and joint-ventures.

—Provide organizational chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

—If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology*—specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the MBDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; maintaining the profile inventory of minority businesses; and brokering of new business ownership, market and capital opportunities and prevention of business failures. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources*—address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 15% cost-sharing requirement and including a fee for services for assistance provided clients. A fee for services in the amount of 10% of the cost of assistance will be charged to all clients receiving management and technical assistance.

Cost-sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost-sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order or priority: (1) cash contributions; (2) fee for services; and (3) in-kind contributions.

A. *Cash contribution*—means cash that is contributed or donated by the recipient, and other non-Federal sources, i.e., public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services*—is a charge to a client for assistance provided by the MBDC for M&TA and/or SCS.

C. *In-Kind contribution*—represents the value of non-cash contributions provided by the recipient and other non-

Federal sources. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution. Under no circumstances can the in-kind contribution exceed 50% of the total non-Federal contribution.

IV. *Cost*—demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost-sharing plan information in terms of methodology and format for billing the costs of management and technical assistance and specialized consulting services to clients.

Total project cost will be evaluated in terms of:

—Clear explanations of all expenditures proposed, and

—The extent to which the applicant can leverage Federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of the MBDC operation should be included in Part II. Part II will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement Award.

A detailed justification of all proposed costs is required for Part III and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered non-responsive and dropped from competitive review.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals.

Notification of awards will be made by the Grants Officer, U.S. Department of Commerce (DOC). Organizations whose proposals are unsuccessful will be advised by MBDA, DOC.

F. Proposal Instructions and Forms.

This program is subject to OMB Circular A-95 requirements.

Questions concerning the preceding information, copies of application forms, and applicable regulations can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants.

11.800 Minority Business Development
(Catalog of Federal Domestic Assistance)

Dated: June 17, 1983.

Joseph F. Korpsak

Acting Regional Director.

[FR Doc. 84-16662 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-21-M

Office of the Secretary

Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for the collection of information under the provisions of the paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of the Census

Title: Survey of Income and Program Participation—Wave 2

Form Numbers: Agency—SIPP-4200, SIPP 4205; OMB—0607-0425

Type of Request: Revision

Burden: 42,000 respondents; 14,000 reporting hours

Needs and Uses: The SIPP will provide, for the executive and legislative branches, improved statistics on income distribution and data not previously available on eligibility for, and participation in, government programs. The collected data will be used to support policy analysis and program planning

Affected Public: Individuals and households

Frequency: Three times a year

Respondent's Obligation: Voluntary

OMB Desk Officer: Tim Sprehe, 395-4814

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edwad Michals (202) 377-4217, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Written comments and recommendations for the proposed information collection should be sent to the OMB Desk Officer, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Edward Michals,

Departmental Clearance Officer.

[FR Doc. 83-16780 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-CW-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Soliciting Public Comment on Bilateral Textile Consultations With the Government of Hong Kong To Review Trade in Category 642

June 14, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On June 3, 1983 the Government of the United States requested consultations with the Government of Hong Kong with respect to Category 642 (man-made fiber skirts). This request was made on the basis of the agreement of June 23, 1982 as amended, between the Governments of the United States and Hong Kong relating to trade in cotton, wool, and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may later establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Category 642, produced or manufactured in Hong Kong and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983. The Government of the United States also reserves the right to control imports of these categories at the established limit.

Any party wishing to comment or provide data or information regarding the treatment of Category 642 under the Bilateral Cotton, Wool, and Man-Made Fiber Textile Agreement with the Government of Hong Kong or on any other aspect thereof, or to comment on domestic production or availability of textile products included in this category, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-16743 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-25-M

Soliciting Public Comment on Bilateral Textile Consultations With the Government of the Republic of Korea To Review Trade in Category 313

June 17, 1983.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: On June 7, 1983 the Government of the United States requested consultations with the Government of the Republic of Korea with respect to Category 313 (cotton sheeting). This request was made on the basis of the agreement of December 14, 1982, between the Governments of the United States and the Republic of Korea relating to trade in cotton, wool, and man-made fiber textiles and textile products.

The purpose of this notice is to advise the public that if no solution is agreed upon in consultations between the two governments, the Committee for the Implementation of Textile Agreements may establish a limit for the entry and withdrawal from warehouse for consumption of textile products in Category 313, produced or manufactured in Korea and exported to the United States during the twelve-month period which began on January 1, 1983 and extends through December 31, 1983.

The Government of the United States reserves the right under the agreement to invoke import controls on this category, as defined in the Bilateral Cotton, Wool, and Man-made Fiber Textile Agreement, with the Government of the Republic of Korea.

Any party wishing to comment or provide data or information regarding the treatment of Category 313 under the Bilateral Cotton, Wool and Man-made Fiber Textile Agreement with the Government of the Republic of Korea, or on any other aspect thereof, or to comment on domestic production or availability of textile products included in this category, is invited to submit such comments or information in ten copies to Walter C. Lenahan, Chairman, Committee for the Implementation of Textile Agreements, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230. Since the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C., and may be obtained upon written request.

Further comment may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 533(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

Walter C. Lenahan,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 83-16742 Filed 6-21-83; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1983; Correction of Proposed Additions

Correction

In FR Doc. 83-15841 beginning on page 27288 in the issue of Tuesday, June 14, 1983, make the following correction in column one, **SIC 7399**, line two, "Supplental" should read "Supplemental."

BILLING CODE 1505-01-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange Application for Designation as a Contract Market in Deutsche Mark Options for Physical Delivery

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions for trading commodity options for physical delivery on a domestic board of trade.

SUMMARY: The Chicago Mercantile Exchange has applied for contract market designation to trade options on the deutsche mark for physical delivery under the pilot program adopted by the Commodity Futures Trading Commission ("Commission"), 47 FR 56996 (December 22, 1982). The Commission believes that public comment on this proposal is in the public interest and is consistent with its options regulations, 46 FR 54500 (November 3, 1981), and with the proposes of the Commodity Exchange Act.

DATE: Comments must be received on or before August 22, 1983.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Reference should be made to the CME Deutsche Mark options for physical delivery.

FOR FURTHER INFORMATION CONTACT: Eugene Moriarty, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., (202) 254-6990.

SUPPLEMENTARY INFORMATION: The Commission has previously adopted regulations to govern a three-year pilot program under which options on certain commodity futures contracts are permitted to be traded on domestic boards of trade designated by the Commission as contract markets for options trading (46 FR 54500 (November 3, 1981)). The Commission subsequently expanded the domestic exchange-traded commodity options pilot program to include options on physicals (47 FR 56996 (December 22, 1982)). The new rules allow any domestic board of trade, regardless of whether it is currently engaged in the trading of futures contracts or options on those contracts, to apply for contract market designation for one option on an actual commodity ("physicals"). The regulations for options on physicals became effective on March 25, 1983 (48 FR 12519).

The Chicago Mercantile Exchange has applied for contract market designation, pursuant to Section 6 of the Commodity Exchange Act, 7 U.S.C. 8 (Supp. V 1981), as amended by the Futures Trading Act of 1982, Pub. L. 97-444, 96 Stat. 2308 (1983) ("Act") and Commission Regulation 33.5, to trade options on the deutsche mark providing for physical delivery.

A copy of the terms and conditions of the CME proposed deutsche mark options contract will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254–6314.

Other materials submitted by the CME in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1982)). Requests for copies of such materials should be made to the FOIA, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed options contract, or with respect to other materials submitted by the CME in support of its application, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by August 22, 1983. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Issued in Washington, D.C., on June 16, 1983.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 83-16630 Filed 6-21-83; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

June 9, 1983.

The USAF Scientific Advisory Board Ad Hoc Committee on Advanced Tactical Fighter (ATF) Technology, Systems Panel, will meet at Wright-Patterson AFB, OH, on July 14, 1983. The purpose of the meeting will be to review the parametric studies and utility analysis done by the Aeronautical Systems Division staff on the ATF. The meeting will convene at 9:00 a.m. and adjourn at 4:00 p.m. on that day.

The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly, will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at 697–4648.

Winnibel F. Holmes,

Air Force Federal Register, Liaison Officer.

[FR Doc. 83-16704 Filed 6-21-83; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

[Case No. F-006]

Energy Conservation Program for Consumer Products; Decision and Order Granting Waiver From Furnace Test Procedures to Amana Refrigeration, Inc.

AGENCY: Office of Conservation and Renewable Energy, DOE.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order [Case No. F–006] granting Amana Refrigeration, Inc. a waiver for its EGHW series of condensing furnaces from the existing DOE furnace test procedures.

FOR FURTHER INFORMATION CONTACT:

Michael J. McCabe, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE–113.1, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–33, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–9513.

SUPPLEMENTARY INFORMATION:

In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order set out below. In the Decision and Order, Amana Refrigeration, Inc. has been granted a waiver for its EGHW series condensing warm air furnaces, permitting the company to use an alternate test method.

Issued in Washington, D.C., June 8, 1983.

Howard S. Coleman,

Principal Deputy Assistant Secretary, Conservation and Renewable Energy.

Decision and Order of the Department of Energy, Assistant Secretary for Conservation and Renewable Energy

In the matter of Amana Refrigeration, Inc.; Case No. F–006.

Background

The Energy Conservation Program for Consumer Products was established pursuant to the Energy Policy and Conservation Act, Pub. L. 94–163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act, Pub. L. 95–619, 92 Stat. 3266, which requires the Department of Energy (DOE) to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchase decisions. These test procedures appear at 10 CFR Part 430, Subpart B.

The Department of Energy amended the prescribed test procedure regulations, by adding § 430.27, to allow the Assistant Secretary for Conservation and Renewable Energy to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing of the basic model according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption characteristics as to provide materially inaccurate comparative data. 45 FR 64108 (Sept. 26, 1980).

Pursuant to § 430.27(g), the Assistant Secretary shall publish in the **Federal Register** notice of each waiver granted, and any limiting conditions of each waiver.

Amana Refrigeration, Inc. (Amana), filed a "Petition for Waiver" in accordance with § 430.27 of 10 CFR Part 430. DOE published in the **Federal Register** the Amana petition and solicited comments, data, and information respecting the petition. 47 FR 54529 (December 3, 1982). Comments were received from Lennox Industries, a manufacturer of condensing furnaces. The comments were sent to the petitioner on February 4, 1983, and rebuttal comments were submitted by Amana on February 14, 1983. DOE consulted with the Federal Trade Commission on March 9, 1983, concerning the Amana petition.

Assertions and Determinations

The Amana petition contends that even though the DOE test procedures for furnaces were amended to allow testing of condensing furnaces, 45 FR 53714 (Aug. 12, 1980), the company's EGHW series condensing furnace lines, when tested according to those procedures,

will yield materially inaccurate comparative data.

The Amana petition seeks a waiver from the present DOE test method which bases condensation calculations on the average flue gas temperature. Amana contends that its EGHW series furnace lines condenses more of the water vapor than is calculated by the DOE test method. In lieu of the current test method, Amana requests the use of the condensate measuring test method as set forth in Appendix C of the National Bureau of Standards (NBS) Interagency Report 80–2110, "Recommended Testing and Calculation Procedures for Estimating the Seasonal Performance of Residential Condensing Furnaces and Boilers" (hereafter referred to as the alternate test method), dated April 1981, to determine the Annual Fuel Utilization Efficiency (AFUE) of its EGHW series furnace lines.

Amana further contends that for the purpose of consistency the alternate method should be allowed not only for determining the AFUE but also for determiing the steady-state efficiency of its condensing furnace. Steady state efficiency is used to determine a furnace's heating capacity. The product of the steady-state efficiency and the measured energy input (Btu/hr.) is the heating capacity of the furnace.

Amana further seeks permission to conduct testing using the alternate test method at its in-house test facility. Such allowance for in-house testing was rejected initially in the Hydrotherm Decision and Order, 46 FR 34621 (July 2, 1981). Since that time, however, the allowance to use the alternate test method at in-house test facilities has been granted to two manufacturers, Lennox and Arkla. 47 FR 32471 (July 27, 1982) and 47 FR 57987 (December 29, 1982), respectively.

Comments from Lennox support Amana's assertion that the existing condensing furnace test procedures will result in lower than actual AFUE ratings of a condensing furnace. NBS has found through testing experience that the existing flue loss testing procedure does, in fact, underestimate the amount of water vapor condensed during normal operations. Therefore, DOE has determined that Amana should be granted a waiver to use the alternate test method when testing its EGHW series condensing furnace to determine AFUE.

Regarding the allowance to use the alternate test method for determining steady-state efficiency, Lennox felt this additional request would give an inequitable advantage to Amana in that they would be allowed an increased steady-state efficiency of 1 to 3 percentage points with respective increases in heating capacity and AFUE. Amana correctly rebutted this statement by pointing out that the use of the alternate method for determining steady-state efficiency will not result in an increase in reported AFUEs. This is true because steady-state efficiency is not used in determining the AFUE value. The only possible increase is with regard to the heating capacity. DOE believes the possible advantage in higher capacity values is minimal. Also, just as with AFUE determinations, DOE has found that steady-state efficiency determination could be underestimated by the existing flue loss test procedures. Therefore, DOE is today granting Amana's request to use the alternate test method for determining steady-state efficiency. Accordingly, today's waiver includes additional instructions and calculations which will allow for the direct condensate measurement method to be used to determine steady-state efficiency.

Finally, in consideration of the evidence presented in previous waivers which stated that the alternate test method is of sufficient reliability to permit "in-house" testing and in order to save the manufacturer time and money, DOE has determined to grant Amana's request for in-house testing. However, to further assure reliability, today's grant includes provisions which require a 6 cycle test rather than the 3 cycle test outlined in the NBSIR 80–2110. This change has been recommended by the National Bureau of Standards as a result of its recent testing experience regarding condensing furnaces. This testing experience indicated that for some models of condensing furnaces the variability of the amount of condensate collected during each cycle warrants more test cycles.

It is therefore ordered that:

(1) The "Petition for Waiver" filed by Amana Refrigeration, Inc. is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3) and (4).

(2) Notwithstanding any contrary provisions of Appendix N of 10 CFR Part 430, Subpart B, Amana Refrigeration, Inc. shall be permitted to use in-house test facilities to test its EGHW series condensing warm air furnace on the basis of the test procedures specified in 10 CFR, Part 430, with the modifications set forth below:

(i) *Test Conditions.*

(A) The test unit shall be installed according to the requirements given in section 2 of Appendix N.

(B) Control devices shall be installed to allow cyclical operation of the unit and return water as described in § 3.3 of Appendix N.

(C) The test unit shall be leveled prior to test.

(D) Operation times and the beginning and end of condensate collection shall be determined by a clock or timer with a minimum resolution to one second.

(E) Control of on or off operation actions shall be within ± 6 seconds of the scheduled time.

(F) Condensate drain lines shall be attached to the unit as specified in the manufacturer's installation instructions.

(G) The flue pipe installation must now allow condensate formed in the flue pipe to flow back into the unit. An initial downward slope from the unit's exit, an offset with a drip leg, annular collection rings, or drain holes must be included in the flue pipe installation without disturbing normal flue gas flow (as given in section 2.2 of Appendix N), and temperature measurement instrumentation (as given in section 2.6 of Appendix N). Flue gases shall not flow out of the drain with the condensate.

(H) Collection-containers must be glass or polished stainless steel, so removal of interior deposits can be easily made.

(I) The collection-container shall have a vent opening to the atmosphere.

(J) The scale for measuring the containers and condensate sample mass shall be calibrated with an error no larger than ± 0.5 percent over the range of interest.

(ii) *Test Method.*

(A) The condensing furnace is to have steady-state, cool-down, and heat-up tests conducted in accordance with the procedures for noncondensing units given in section 3 of Appendix N, using the flue gas, air or water flow, and room ambient conditions given in section 2 of the condensing furnace test procedure of Appendix N. In addition, a steady-state and a cyclic condensate collection procedure shall be conducted.

(B) the condensate collection containers shall be dried prior to a sample collection.

(C) Tare weight of the collection-container must be measured and recorded prior to each sample collection.

(D) Return air temperature for cyclic and steady-state tests shall be equal to those required for steady-state test periods, and shall remain within the limits given in the existing test procedure.

(E) Operating times for on and off periods in the cyclic condensate collection procedure shall be 3 minutes 52 seconds on and 13 minutes 20 seconds off for warm air furnaces.

(F) The unit should be operated in a cyclical manner until flue gas temperatures at the end of each on-period are within 5°F (2.8°C) of each other for two consecutive cycles.

(G) Begin the cyclic condensate collection at one minute before start up of the first test on-period.

(H) Six cycles later, the container shall be removed at the end of the cool down cycle one minute prior to the beginning of what would be the seventh cycle period.

(I) Begin the steady-state condensate collection after steady-state conditions have been achieved as specified in section 3 of Appendix N. The steady-state condensate collection period shall be one (1) hour.

(J) Condensate mass shall be measured immediately at the end of the collection period to prevent evaporation loss from the sample.

(K) Fuel input shall be recorded during the entire cycle test period starting at the beginning of the on-time of the first cycle to the beginning of the on-time of the second cycle, etc., for each of the six test cycles, and for the one hour steady-state test period. Fuel Higher Heating Value (HHV), temperature and pressures necessary for determining fuel energy inputs, Q_c and Q_{ss} will be observed and recorded. The fuel quantity and HHV shall be measured with errors no greater than $^{+1}\pi\epsilon\rho\psi\epsilon\nu\tau$.

(iii) *Calculating the condensing Annual Fuel Utilization Efficiency (AFUE).*

(A) Determine the mass of condensate for the cyclic test, m_c, by subtracting the tare container weight from the total container and condensate weight measured at end of the six cycles of operations. Determine the mass of condensate for the steady-state test, m_{ss}, by subtracting the tare container weight from the total container and condensate weight measured at the end of the one hour test period.

(B) Calculate the fuel energy input during the cyclic and steady-state condensate collection tests, Q_c and Q_{ss}.

(C) Calculate the cyclic and steady-state heat gain due to condensation, L_G and $L_{G,ss}$, in percent by the following equations:

$$L_G = \frac{(m_c)\ (1053.3)\ (100)}{Q_c}$$

$$L_{G,ss} = \frac{(m_{ss})\ (1053.3)\ (100)}{Q_{ss}}$$

(D) Calculate the cyclic and steady-state loss, L_C and $L_{C,ss}$, due to hot condensate going down the drain, correcting for the fact that this condensate did not go up the flue as heated vapor, in percent by the following equations:

$$L_c = \frac{L_G\ [1.0(T_{f,ss} - 70) - .45(T_{f,ss} - 42)]}{1053.3}$$

$$L_{c,ss} = \frac{L_{G,ss}\ [1.0(T_{f,ss} - 70) - .45(T_{f,ss} - 42)]}{1053.3}$$

(E) Calculate the condensing AFUE by adding the percent heat gain due to condensing, L_G, to the previously calculated noncondensing AFUE and by subtracting L_c

$$AFUE_c = AFUE_{NC} + L_G - L_c$$

(F) Calculate the condensing steady-state efficiency, $N_{ss,c}$, by adding the percent heat gain due to condensing, $L_{G,ss}$, to the previously calculated noncondensing steady-state efficiency $N_{ss,nc}$, and by subtracting $L_{c,ss}$.

$$N_{ss,c} = N_{ss,nc} + L_{G,ss} - L_{c,ss}$$

(iv) with the exception of the modifications set forth in subparagraphs (i), (ii), and (iii) above, Amana Refrigeration, Inc. shall comply in all respects with the test procedures specified in Appendix N of 10 CFR, Part 430, Subpart B.

(3) The waiver shall remain in effect from the date of issuance of this order until the Department of Energy prescribes final test procedures appropriate to the type of condensing warm air furnace manufactured by Amana Refrigeration, Inc.

(4) This waiver is based upon the presumed validity of statements, allegations, and documentary materials submitted by the applicant and commenters. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the application is incorrect.

Issued in Washington, D.C. June 8, 1983.

Howard S. Coleman,

Principal Deputy Assistant Secretary, Conservation and Renewable Energy.

[FR Doc. 83-16646 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[ERA Docket No. 83-CERT-071]

Carstab Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 9, 1983, Carstab Corporation (Carstab), 1560 West Street, Reading, Ohio 45215, filed with the Administrator of Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 160,000 Mcf per year of natural gas which is expected to displace the use of approximately 1,159,000 gallons per year of No. 2 fuel oil (less than 0.2 percent sulfur) at its chemical manufacturing facility in Reading, Ohio.

The eligible sellers of the natural gas are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P.O. 1273, Charleston, West Virgina 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301; and by The Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012.

Notice of that application was published in the **Federal Register** (48 FR 24426, June 1, 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 Carstab'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 Carstab'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 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.

Issued in Washington, D.C., June 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16737 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-189]

Green's Dairy Inc.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Green's Dairy, Inc. (Green's), 201 North Highland Avenue, P.O. Box 1703, York, Pennsylvania 17405, filed an application on June 1, 1983, with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its 201 North Highland Avenue, York, Pennsylvania 17405 facility 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, Green's indicates that the volume of natural gas for which it requests certification is approximately 22,532 Mcf per year. This volume is estimated to displace the use of approximately 150,213 gallons of No. 6 fuel oil (2.9 percent sulfur) per year.

The eligible sellers are G&G Gas, Inc., RD 2, Bethlehem, Pennsylvania 16242 and J&J Enterprises, P.O. Box 697, Indiana, Pennsylvania 15701. This gas will be transported by Columbia Transmission, Charleston Headquarters, P.O. Box 1273, Charleston, West Virginia 25235; and by Columbia Gas of Pennsylvania, Columbia Headquarters, P.O. Box 117, Columiba, Ohio 43216, 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, Fuel 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 day 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 Green's and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 17, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16739 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-065]

The Kroger Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 9, 1983, The Kroger Co. (Kroger), 1014 Vine Street, Cincinnati, Ohio 45201, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 200 million cubic feet per year of natural gas which is expected to displace the use of approximately 1,408,450 gallons of No. 2 fuel oil (0.49 percent sulfur) per year at its food processing facility in Cincinnati, Ohio.

The eligible sellers of the natural gas are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; and Texas Gas Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 45302. The gas will be transported by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P.O. Box 1160, Owensboro, Kentucky 42301. The local distributors are the Cincinnati Gas & Electric Company, P.O. Box 960, Cincinnati Ohio 45202; and the Union Light, Heat & Power Company, P.O. Box 32, Covington, Kentucky 41012.

Notice of that application was published in the **Federal Register** (48 FR 24427, June 1, 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 Kroger'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 Kroger'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 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.

Issued in Washington, D.C., June 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16738 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 82-05-NG]

Natural Gas Imports, Texas Eastern Transmission Corporation.; Amendment to Application for Authorization to Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of Amendment to Application for Authorization to Import Canadian Natural Gas Purchased from ProGas Limited.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt on May 17, 1983, of an amendment to the application previously filed by Texas Eastern Transmission Corporation (Texas Eastern) for authorization to import 100,000 Mcf per day, and additional unspecified daily volumes to be delivered, upon request, on a best efforts basis. The imported volumes were to be purchased from ProGas Limited (ProGas) for a period beginning on November 1, 1982, or as soon as possible

thereafter, and continuing for a period of twenty (20) years, through October 31, 2002. The amendment requests a change in the term of its authorization years commencing November 1, 1984, or such later years commencing November 1, 1984, or such later date as deliveries commence, with a one year make-up period from November 1, 1996 to October 31, 1997. In addition, Texas Eastern requests a reduction in volumes from 100,000 Mcf per day to 50,126 Mcf per day, with reduced volumes during the last three years of the term.

The application is filed with the ERA pursuant to section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m., on July 22, 1983.

FOR FURTHER INFORMATION CONTACT:

Earl D. Bragdon (Natural Gas Division), Economic Regulatory Administration, 1000 Independence Avenue, S.W. Forrestal Building, Room GA–007, RG–43, Washington, D.C 20585, (202) 252–9785

Michael T. Skinker (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue, S.W. Forrestal Building, Room 6E–042, Washington, D.C. 20585, (202) 252–6667

SUPPLEMENTARY INFORMATION: On May 14, 1982 Texas Eastern filed with the ERA an application requesting authorization to permit it to import up to 100,000 Mcf per day of Canadian natural gas, and additional unspecified daily volumes to be delivered, upon request, on a best efforts basis purchased from ProGas from November 1, 1982, or as soon as possible thereafter, for a period of twenty (20) years through October 31, 2002, as more fully described in the Notice of Application issued by ERA (47 FR 30279, July 13, 1982). On May 17, 1983, Texas Eastern filed an amendment to this application reflecting a shorter term of twelve (12) years that would commence at a later date (November 1, 1984, or such later date as deliveries commence) and a reduction in the quantities of Canadian natural gas that it would purchase from ProGas, to conform the import request to the Canadian National Energy Board (NEB) decision of January 27, 1983, in its Omnibus Gas Export Proceedings. Under the NEB decision, ProGas has been authorized to export volumes of natural gas to Texas Eastern according to the following schedule, with a one year make-up period from November 1, 1996 to October 31, 1997:

	Daily (Mcf)[1]	Annual (MMcf)[1]
Nov. 1, 1984 to Oct. 31, 1993	50,126	18,297
Nov. 1, 1983 to Oct. 31, 1994	37,596	13,721
Nov. 1, 1984 to Oct. 31, 1995	25,064	9,146
Nov. 1, 1985 to Oct. 31, 1996	12,532	4,575

[1] Approximate equivalent volumes. The actual volumes which ProGas is authorized to export are stated in metric standards.

A daily tolerance of two (2) percent is allowed to accommodate temporary operating conditions. The total quantity that may be exported during the term of the export license is 192,112 MMcf. Under the make-up provisions, quantities of gas paid for but not taken can be made up at a maximum daily rate of 50,126 Mcf, subject to the availability of capacity and deliverability. Make-up quantities are limited to the actual quantities of gas paid for but not taken under the terms of the sales contract or 18,297 MMcf, whichever is less.

These above volumes would be purchased by Texas Eastern pursuant to a Gas Sales Agreement with ProGas dated October 29, 1981. The October 29, 1981 Sales Agreement between Texas Eastern and ProGas provides for reduced volumes in the event either party received authorization for volumes less that those requested in the application.

Texas Eastern asserts that arrangements have been made for the transportation of the reduced volumes of natural gas from the International Border near Niagara Falls, Ontario, to its pipeline facilities near Tamarack, Pennsylvania via the Niagara Interstate Pipeline System (NIPS)— The NIPS system, as modified to accommodate the reduced volumes of natural gas authorized for export by the NEB at Niagara Falls, is the subject of an amended application pending before the Federal Energy Regulatory Commission at Docket No. CP83–170–001. TransCanada will own the facilities on the Canadian side of the International Border and the facilities on the United States side of the border will be owned by NIPS.

The current border price for the export of natural gas from Canada to the United States has been reduced by the Canadian Government of $4.40 per MMBtu.

Other Information

Any person wishing to become a party to the proceeding or to participate as a party in any conference or hearing which might be convened must file a petition to intervene, unless such a petition already has been filed in this docket in connection with the original application. Any person may file a protest with respect to this amended application. The filing of a protest will not serve to make the protestant a party to the proceedings. Protests will be considered in determining the appropriate action to be taken on the amended application.

All protests and petitions to intervene must meet the requirements that are specified by the regulations that were in effect on October 1, 1977, in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Division, Office of Fuels Programs, economic Regulatory Administration, Room GA–007, RG–43, 1000 Independence Avenue, SW., Washington, D.C. 20585. All protests and petitions to intervene must be filed no later than 4:30 p.m., July 22, 1983.

A hearing will be held if a motion for a hearing is made by a party or person seeking intervention and granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary and required. A person filing a motion for a hearing should demonstrate how the hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of the original application and the amendment noticed herein is available for public inspection and copying in the Natural Gas Division Docket Room, Room GA–007, 1000 Independence Avenue, SW., Washington, D.C. 20585, between the hours of 8:00 a.m., and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on June 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

(FR Doc. 83-16740 Filed 6-21-83; 8:45 am)

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-072]

Schoenling Brewing Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 9, 1983, Schoenling Brewing Company (Schoenling), 1625 Central Parkway, Cincinnati, Ohio 45214, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 5,000 Mcf per month of natural gas which is expected to displace the use of approximately 35,000 gallons per month of No. 2 fuel oil (0.49 percent sulfur) at its brewery facility in Cincinnati, Ohio.

The eligible sellers of the natural gas are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Texas Gas Corporation, 3800 Frederica Street, P. O. Box 1160, Owensboro, Kentucky 45302; and Ohio Gas Marketing Corporation, 3933 Price Road, Newark, Ohio 43055. The gas will be transported by Columbia Gas Transmission Corporation, P. O. Box 1273, Charleston, West Virginia 25325; and Texas Gas Transmission Corporation, 3800 Frederica Street, P. O. Box 1160, Owensboro, Kentucky 42301; and by The Cincinnati Gas & Electric Company, P. O. Box 960, Cincinnati, Ohio 45202; and The Union Light, Heat & Power Company, P. O. Box 32, Covington, Kentucky 41012, local distribution companies.

Notice of that application was published in the **Federal Register** (48 FR 24189, May 31, 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 Schoenling 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 Schoenling'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 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.

Issued in Washington, D. C., June 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16736 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

Steuart Petroleum Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Economic Regulatory Administration ("ERA") of the Department of Energy ("DOE") announces that it has adopted a Consent Order with Steuart Petroleum Company as a final order of the Department.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Robert J. McKee, Jr., Director, Philadelphia Field Office, ERA, 1421 Cherry Street, Philadelphia, Pennsylvania 19102 (215–597–4550).

SUPPLEMENTARY INFORMATION: On March 29, 1983, (V. 48 FR 13073), the ERA published a notice in the **Federal Register** that on March 11, 1983, it had executed a Proposed Consent Order with Steuart Petroleum Company ("Steuart"), which would not become effective sooner than thirty (30) days after publication of that notice. Pursuant to CFR 205.199J(c), interested persons were invited to submit comments concerning the terms and conditions of the Proposed Consent Order.

As the notice of March 29, 1983 stated, the remedial aspect of the Proposed Consent Order required Steuart to refund an aggregate amount of $900,000: $482,445 to be paid to the United States Treasury within thirty (30) days of the effective date of a final Consent Order, and $417,555 to identified end-users by check or credit memorandum. The Proposed Consent Order provided other pertinent details, including general procedures to identify those customers eligible to receive refunds and that the amount of the refund was subject to the approval of DOE. Those customers and amounts have been identified and approved by DOE.

Eight comments about the Proposed Consent Order were received: one claim was from the Defense Logistics Agency as a Steuart Customer for refund and seven comments were submitted on behalf of fifteen states. (One comment was on behalf of nine states. Comments received late have nevertheless been considered).

The comments from the states did not criticize any aspect of the Proposed Consent Order except the form of relief. The comments suggested that the states should be the recipients of certain funds obtained by the Department of Energy in Consent Orders. Ten of the states claimed the $900,000 should be distributed to them; the other five states claimed only the $482,445 being paid to the United States Treasury should be distributed instead to the states. While the states may be recipients of relief in appropriate cases, the comments made no indication of why this particular Proposed Consent Order was similar to any other case. Indeed, the Proposed Consent Order terms provided for identification of the particular eligible customers to receive refunds of $417,555 and the amount of refunds per customer subject to DOE approval. As for the remaining amount of the refund going to the United States Treasury, $482,445, there was no indication by any state of involvement by purchase directly by the state. None of the state comments identified what end-users were in their states or what portion, if any, each state should receive.

Several of the states suggested that an OHA Subpart V proceeding should be convened to identify meritorious claimants. As stated previously, a specific class of purchaser has already been identified as being eligible to receive refunds of $417,555. As for the $482,445 refund to Treasury, DOE has determined that a portion of this amount is with respect to customers who could not be identified readily, even by an OHA Subpart V proceeding, and even if they were identified, the refund amount per customer might well be less than the administrative cost of such preceeding. The remaining portion of the refund to Treasury represents purchases by United State government agencies. To tht extent, insofar as the Proposed Consent Order provides for payment to the United States Treasury, DOE has been responsive to the last comment received, the one notice of claim by a federal agency as a customer of Steuart. The Proposed Consent Order does not, of course, resolve ultimate liability, if any, regard to a private cause of action by a customer against Steuart.

The Proposed Consent Order is therefore made final and effective on the date of publication of this Notice.

Issued in Philadephia, Pennsylvania, on this 5th day of May, 1983.

Robert J. McKee, Jr.,

Director, Philadelphia Field Office, Economic Regulatory Administration.

[FR Doc. 83-16638 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[83-CERT-173; 174; 185; 186 and 141]

Procter and Gambie Co. Applications For Certification of the Use of Natural Gas To Displace Oil

The Economic Regulatory Administration (ERA) of the Department of Energy has received the following applications for certification of an eligible use of natural gas to displace fuel oil pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979). End-users who have the capability to use natural gas in place of fuel oil at any of their facilities can arrange for direct purchases and transportation of the gas to that facility under the Federal Energy Regulatory Commission's (FERC) fuel oil

displacement program. The ERA certification is required by the FERC as a precondition to interstate transportation of fuel oil displacement gas in accordance with the procedures in 18 CFR Part 284, Subpart F.

Pertinent information regarding these applications is listed below, while more detailed information is contained in each application on file and available for 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.

1. 83-CERT-173

Applicant: The Procter & Gamble Co., Cincinnati, Ohio.
Date Filed: June 3, 1983.
Facility Location: St. Bernard Plant, Cincinnati, Ohio.
Gas Volume: 150,000 Mcf per year.
Oil Displacement: 23,800 barrels of No. 6 fuel oil (1 percent sulphur).
Eligible Seller: Texas Gas Corp., Owensboro, Ky.; Scott Talbott, Jr., Lexington, Ky.; Bow Valley Petroleum Inc., Charleston, W. Va.
Dated: Transporter: Columbia Gas Transmission Corp., Charleston, W. Va.; Texas Gas Transmission Corp., Owensboro, Ky.; Cincinnati Gas and Electric Co., Cincinnati, Ohio.

2. 83-CERT-174

Applicant: The Procter & Gamble Manufacturing Co., Cincinnati, Ohio.
Date Filed: June 3, 1983.
Facility Location: Baltimore, Md.
Gas Volume: 144,000 Mcf per year.
Oil Displacement: 23,500 barrels of No. 6 fuel oil (1 percent sulphur).
Eligible Seller: Scott Talbott, Jr., Lexington, Ky.; Bow Valley Petroleum Inc., Charleston, W. Va.; Exxon USA, Houston, Tex.
Dated: Transporter: Columbia Gas Transmission Corp., Charleston, W. Va.; Columbia Gulf Transmission Corp., Houston, Tex.; Baltimore Gas and Electric Co., Baltimore, Md.

3. 83-CERT-185

Applicant: Taylor-Wharton, Division of Harsco Corp., Easton, Pa.
Date Filed: June 9, 1983.
Facility Location: Easton, Pa.
Gas Volume: 130,000 Mcf per year.
Oil Displacement: 20,095 barrels of No. 6 fuel oil (2 percent sulphur).
Facility Location: Harrisburg, Pa.
Gas Volume: 99,000 Mcf per year.
Oil Displacement: 16,850 barrels of No. 6 fuel oil (2 percent sulphur).
Totals: Gas Volume, 222,900 Mcf per year; oil displacement, 36,945 barrels per year.
Eligible Seller: Exxon USA, Houston, Tex.
Dated: Transporter: Columbia Gas Transmission Corp., Charleston, W. Va.; UGI Corporation-Gas Utility Div., Reading, Pa.

4. 83-CERT-186

Applicant: Victor-Balata Belting Co., Easton, Pa.
Date Filed: June 9, 1983.
Facility Location: Easton, Pa.
Gas Volume: 60,000 Mcf per year.
Oil Displacement: 10,500 barrels of No. 2 fuel oil (.2 percent sulphur).
Eligible Seller: Exxon USA, Houston, Tex.
Transporter: Columbia Gas Transmission Corp., Charleston, W. Va.; UGI Corporation-Gas Utility Div., Reading, Pa.

5. 83-CERT-141

Applicant: Foster-Forbes Glass Division-NCC, Marion, Ind.
Date Filed: June 5, 1983.
Facility Location: Marion, Ind.
Gas Volume: 1,585,161 Mcf per year.
Oil Displacement: 234,000 barrels of No. 6 fuel oil (1-2 percent sulphur).
Eligible Seller: IGC Energy, Inc., Indianapolis, Ind.
Dated: Transporter: Panhandle Eastern Pipeline Co., Houston, Tex.; Michigan Wisconsin Pipe Line Co., Detroit, Mich.; Indiana Gas Company, Inc., Indianapolis, Ind.

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 calendar days of the date of publication of this notice in the **Federal Register**. The docket number of the case should be printed on the outside of the envelope.

An opportunity to make an oral presentation of data, views, and arguments either against or in suppport of any of the above applications may be requested by any interested person in writing within the ten-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 in a particular case, further notice will be given to the applicant and any person filing comments in that case and will be published in the **Federal Register**.

Issued in Washington, D.C., on June 15, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16645 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-084]

Stone Container Corp; Application For Certification of the Use of Natural Gas To Displace Fuel Oil

Stone Container Corporation (Stone), P.O. Box 901, 288 S. Illinois Avenue, Mansfield, Ohio 44901, filed with the Economic Regulatory Administration (ERA) for certification of an eligible use of natural gas to displace fuel oil at its Mansfield, Ohio container plant, 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, Stone indicates that the volume of natural gas for which it requests certification is approximately 62,500 Mcf per year. This volume is estimated to displace the use of approximately 10,740 barrels of No. 2 fuel oil (.4 percent sulfur) per year.

The eligible sellers are Ohio Gas Marketing Corporation, Newark, Ohio, and Ohio Shale Pipeline Corporation, Newark, Ohio. This gas will be transported by Columbia Gas Transmission Corporation, Charleston, West Virginia and by Columbia Gas of Ohio, Columbus, Ohio, 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, 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 Stone and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16642 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-168]

W. R. Grace & Co., Davison Chemical Division; Application For Certification of the Use of Natural Gas To Displace Fuel Oil

W. R. Grace & Co., Davison Chemical Division (Davison), 10 East Baltimore Street, Baltimore, Maryland 21202, 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 Curtis Bay Manufacturing 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, SW., Washington, D.C. 20585, from 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Davison indicates that the volume of natural gas for which it requests certification is approximately 1,320,000 Mcf per year. This volume is estimated to displace the use of approximately 230 MBBL (.3 percent sulfur) per year.

The eligible sellers are Exxon U.S.A., P.O. Box 2810, Houston, Texas 77001; Yankee Resources, Inc., 1105 Schrock Road, Suite 800, Columbus, Ohio 43229; and Target Explorations, 301 Clark Building, Columbia, Maryland 21043. 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, 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 Davison and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16641 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-177]

Westvaco Corp.; Application for Certification of the Use of Natural Gas To Displace Fuel Oil

Westvaco Corporation (Westvaco), 299 Park Avenue, New York 10171, 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 The following Westvaco facilities: Covington Mill, Covington, Virginia; Luke Mill, Luke, Maryland; Westvaco's Container Plant, Baltimore, Maryland; Westvaco's Container Plant, Eaton, Ohio; and Westvaco's Container Plant, Richmond, Virginia; 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, Westvaco indicates that the volume of natural gas for which it requests certification is approximately 2,465,500 Mcf per year. This volume is estimated to displace the use of approximately 391,071 barrels of No. 6 fuel oil (1.0-2.5 percent sulfur) per year.

The eligible sellers are Exxon Corporation, P.O. Box 2180, Houston, Texas 77001 and Victory Development, 114 Wilmar Drive, Pittsburgh, Pennsylvania 15238. This gas will be transported by Columbia Gas Transmission Corporation, Columbia Gulf Transmission Company, and Commonwealth Gas Pipeline Inc. The local distribution companies are Columbia Gas of West Virginia, Inc., Baltimore Gas & Electric Company, Dayton Power & Light Company, and City of Richmond, Virginia.

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 Westvaco and any person filing comments and will be published in the **Federal Register.**

Issued in Washington, D.C., on June 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16640 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-026]

Continental Grain Co.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 18, 1983, Continental Grain Company (Continental), 277 Park Avenue, New York, New York 10172, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 2,500 Mcf per day of natural gas which is expected to displace the use of approximately 18,000 gallons of No. 2 fuel oil (0.29 percent sulfur) per day at its soybean processing facility in Taylorville, Illinois.

The eligible seller of the natural gas is Stauffer-Wyoming Pipeline Company, P.O. Box 513, Green River, Wyoming 82935. The gas will be transported by Colorado Interstate Gas Company, P.O. Box 1087, Colorado Spring, Colorado 80944; Panhandle Eastern Pipeline Company, P.O. Box 1348, Kansas City, Missouri 64141; and by Central Illinois Public Service Company, 607 E. Adams Street, Springfield, Illinois 62201, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 22190, May 17, 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 Continental'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 Continental'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 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.

Issued in Washington, D.C., June 15, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16639 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-034]

Orange and Rockland Utilities, Inc.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On April 25, 1983, Orange and Rockland Utilities, Inc. (ORU), One Blue Hill Plaza, Pearl River, New York 10965, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 25,000 Mcf per day of natural gas which is expected to displace the use of approximately 1.5 million barrels of No. 6 fuel oil (0.37-.06 percent sulfur) per year at two of its electrical generating facilities located in Tomkins Cove, New York and West Haverstraw, New York.

The eligible seller of the natural gas is Exxon Corporation, P.O. Box 2180, Houston, Texas 77001. The gas will be transported by Columbia Gulf Transmission Company, P.O. Box 1273, Charleston, West virginia 25323; and by Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West virginia 25323, a local distribution company.

Notice of that application was published in the **Federal Register** (48 FR 24428, June 1, 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 ORU'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 ORU'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 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.

Issued in Washington, D.C., June 16, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16644 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

[ERA Docket No. 83-CERT-046]

Witco Chemical Corp.; Certification of Eligible Use of Natural Gas To Displace Fuel Oil

On May 2, 1983, Witco Chemical Corp., Kendall/Amalie Division (Witco), 77. N. Kendall Avenue, Bradford, Pennsylvania 16701, filed with the Administrator of the Economic Regulatory Administration (ERA), pursuant to 10 CFR Part 595, an application for certification of an eligible use of approximately 502,500 Mcf per year of natural gas which is expected to displace the use of approximately 3,356,934 gallons of low pour No. 6 fuel oil (1.0 percent sulfur) per year at its plant in Bradford, Pennsylvania.

The eligible seller of the natural gas is Witco Chemical Corporation, Oil & Gas Division, 77 N. Kendall Avenue, Bradford, Pennsylvania 16701. The 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.

Notice of that application was published in the **Federal Register** 48 FR 23886, May 27, 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 Witco'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 Witco'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 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.

Issued in Washington, D.C., June 15, 1983.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 83-16643 Filed 6-21-83; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. RE83-7-000]

Central Power & Light Co.; Notice of Application for Exemption

June 16, 1983.

Take notice that Central Power and Light Company (CPLC) filed an application on March 28, 1983 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984 (and biennially thereafter), information on the costs of providing electric service as specified in Subparts B, C, D, and E.

It its application for exemption CPLC states, in part, that it should not be required to file the specified data for the following reasons:

The Federal rate making standards of PURPA Title I have been considered by the Public Utility Commission of Texas (PUCT) during standard hearings and rate proceedings. In this respect, one of the purposes of PURPA Section 133 has been accomplished, namely, to encourage State regulatory bodies to consider certain ratemaking standards.

The mandatory test period encompassed by the applicant's rate filings with PUCT are at variance with the reporting period required by Part 290 of the Commission's regulations. As a result, for rate filing purposes, the PURPA Part 290 report is of no value.

The applicant believes that PUCT, rather than the Federal Energy Regulatory Commission should mandate load research programs since PUCT is in a better position to specify for which customer class load research shall be performed.

The marginal costs data requirements (Subpart C) of Part 290 are expensive to develop and have minimal value in ratemaking proceedings.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register.** Within that 45 day period such person must also serve a copy of such comments on:

Mr. Tom J. Curlee, Jr., Director, Rates and Regulatory Affairs, Central Power and Light Company, Post Office Box 2121, Corpus Christi, Texas 78403
and
Mr. Michael J. Sullivan, Manager, Regulatory Affairs, Central Power and Light Company, Post Office Box 2121, Corpus Christi, Texas 78403.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16716 Filed 6-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP83-94-001]

Eastern Shore Natural Gas Co.; Notice of Tariff Filing

June 16, 1983.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) on June 10, 1983, tendered for filing the following revised tariff sheets to Original Volume No. 1 of Eastern Shore's FERC Gas Tariff.

To Be Effective June 1, 1983

Substitute Third Revised Substitute Twenty-Second Revised Sheet No. 6
Third Revised Sheet No. 246
Third Revised Sheet No. 247

Eastern Shore states that the purpose of Substitute Third Revised Twenty-Second Revised Sheet No. 6 is to correct a typographical error. The purpose of Third Revised Sheets No. 246 and 247 is to properly indicate the tariff sheets they supersede.

Eastern Shore states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16719 Filed 6-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RE83-8-000]

El Paso Electric Co.; Notice of Application for Exemption

June 16,1983.

Take notice that El Paso Electric Company (EPEC) filed an application on March 28, 1983 for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act (PURPA), Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirement to file on or before June 30, 1984 (and biennially thereafter), information on the costs of providing electric service as specified in Subparts B, C, D, and E.

In its application for exemption EPEC states, in part, that it should not be required to file the specified data for the following reasons:

The data produced and submitted in compliance with Part 290 is similar to the data required by EPEC's state regulatory authorities but sufficiently different to be of little value in rate proceedings.

The Federal ratemaking standards of PURPA Title I have been considered by the New Mexico and Texas state regulatory authorities; and, in this respect, the intended purpose of the PURPA Title I standards has been achieved.

EPEC's data test period in rate proceedings before the regulatory authorities are at variance with the Part 290 reporting period and, as a

consequence the value of Part 290 cost of service data is minimal in this respect.

EPEC's state regulatory authorities have established their own filing requirements for rate proceedings which are at variance with those of Part 290.

The applicant believes that its load data research program should not be mandated by the Federal Energy Regulatory Commission but should be left to the discretion of EPEC's state regulatory authorities who are in a better position to specify the customer classes for which load research studies shall be performed by EPEC.

The state regulatory authorities allow their staff and intervenors wide latitude to serve data requests upon EPEC for data and information that has not been provided in the initial rate case filings. These data requests are addressing the issues of the rate case, and are not satisfied by the scope of Part 290 information. EPEC is not aware of any instance where Part 290 data has reduced the number and scope of such data requests.

EPEC's costs to comply with Part 290 requirements for the 1982 filing were approximately $400,000. Since no apparent use has been made of either the 1980 and 1982 filing information and data, there is little evidence that the benefits of future filings of Part 290 requirements will begin to outweigh the costs EPEC will be required to expend.

The Public Utility Commission of Texas and the New Mexico Public Service Commission support the applicant's request for a blanket exemption from the filing requirements of PURPA Section 133 and 18 CFR Part 290 filing requirements for the June 30, 1984 filing and all subsequent filings.

Copies of the application for exemption are on file with the Commission and are available for public inspection. The Commission's regulations require that said utility also apply to any State regulatory authority having jurisdiction over it to have the application published in any official State publication in which electric rate change applications are usually noticed, and that the utility publish a summary of the application in newspapers of general circulation in the affected jurisdiction.

Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street, N. E., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45 day period such person must also serve a copy of such comments on:

Mr. W. Royer, Esquire, General Counsel, El Paso Electric Company, P.O. Box 982, El Paso, Texas 79960
and
Mr. R. N. Hackett, Assistant Vice President El Paso Electric Company, P.O. Box 982, El Paso, Texas 79960.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16720 Filed 6-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 5965-999, 6810, 6811, 6809, 6591, 6245, 5865, 6246, 6434, 6267, 6442, 6175, 6433, 6206, 6435, 6230, 6231, 6702, 7079, 7299, 7300, 7301, 7246, and 7311]

Firmin O. Gotzinger, Rattlesnake Creek, Salmon River Basin; Comment Scoping Session

June 17, 1983.

A multitude of license, exemption and preliminary permit applications has been filed with the Federal Energy Regulatory Commission, proposing to develop hydroelectric sites within the Salmon River Basin. The Commission staff, pursuant to the Federal Power Act, has undertaken a comprehensive study of hydropower development in the Salmon River Basin (SRB).

Commission staff is circulating four draft papers, covering the development of hydropower in the Salmon River Basin, and is requesting interested agencies and individuals to provide comments. These papers are entitled: "Salmon River Basin Guidelines for Resource Studies by Applicants," "Draft Annotated Outline, Comprehensive Salmon River Basin Study," "Draft Methodology for Assessing the Cumulative Effects of Hydroelectric Development on the Salmon River Basin," and a "Draft A-B-C Approach to Classifying Hydropower Projects." In addition to this comment period, the Commission staff will commence and conduct public sessions on Hydroelectric development in the Salmon River Basin. These sessions are considered the equivalent of "scoping meetings" as that term is understood in the context of the National Environmental Policy Act.

Interested persons and agencies are invited to participate in the public session to discuss the environmental impacts which may be expected from proposed hydroelectric development within the Salmon River Basin. The public sessions will be held during the days of July 12th through 15th, 1983, at the Idaho Supreme Court Building in Boise, Idaho. (See attached schedule).

The purpose of the sessions is to enable interested persons and agencies to discuss with the Commission staff the draft papers, as well as environmental impacts and other matters that they believe should be addressed.

At the public sessions, persons may give their statements orally or in writing. The public sessions will be recorded by a stenographer, and all statements (oral and written) will become part of the public files associated with these proceedings. In addition, the public record for these proceedings will remain open until August 15, 1983 and anyone may submit written comments on the proceeding until that time. Comments should be addressed to Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and should clearly show the name and number (Salmon River Basin Project No. 5965-999 on the first page).

Any questions concerning the comment/Scoping Session should be directed to Dr. Carl N. Shuster, Jr. at 202-376-1976, or Richard A. Azzaro at 202-357-8493.

Kenneth F. Plumb,

Secretary.

SCHEDULE OF COMMENT SESSIONS ON PROPOSED SALMON RIVER BASIN COMPREHENSIVE STUDY PLAN, FEDERAL ENERGY REGULATORY COMMISSION STAFF, SUPREME COURT BUILDING, BOISE, IDAHO, JULY 12-15, 1983

FERC Staff Proposed Studies and Guidelines, Thues., July 12	Water and Land use comprehensive plans, Wed., July 13	Water and land use Comphensive plans, Thur., July 14	Make-up sessions, Fri. July 15
Session A—8:30-10:00 am; FERC Staff "Guidelines for Applicants".	Session E—8:30-10:00 am; Water and Land Use Management Plans of All Agencies.	Session J—8:30-10:00 am, Fish & Wildlife Management Plans and Issues.	Session O—8:30-10:00 am; Make-up Session.
Session B—10:30-12:00 am; The FERC Staff "A-B-C Approach".	Session F—10:30-12:00 am; Water & Land Use Management Plans of All Agencies.	Session K—10:30-12:00 AM: Fish & Wildlife Management Plans and Issues.	Session P—10:30-12:00 am; Make-up Session.
Session C—1:30-3:00 pm; The FERC Staff "Annotated Outline for Comprehensive Study".	Session G—1:30-3:00 pm; Water Quality and Quantity Issues.	Session L—1:30-3:00 pm; Socio-economic and Related Issues.	Session Q—1:30-3:00 pm; Make-up Session.

SCHEDULE OF COMMENT SESSIONS ON PROPOSED SALMON RIVER BASIN COMPREHENSIVE STUDY PLAN, FEDERAL ENERGY REGULATORY COMMISSION STAFF, SUPREME COURT BUILDING, BOISE, IDAHO, JULY 12-15, 1983—Continued

FERC Staff Proposed Studies and Guidelines, Thues., July 12	Water and Land use comprehensive plans, Wed., July 13	Water and land use Comphensive plans, Thur., July 14	Make-up sessions, Fri. July 15
Session D—3:30-5:00 pm; FERC Staff "Comprehensive Study Methodology".	Session H—3:30-5:00 pm; Water Quality and Quantity Issues. Session I—7:00-900 pm; Makeup Session	Session M—3:30-5:00 pm; Socio-economic and Related Issues. Session N—7:00-9:00 pm; Make-up Session	Session R—3:30-5:00 pm; Make-u- Session.

[FR Doc. 83-16728 Filed 6-21-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA83-2-25-001]

Mississippi River Transmission; Notice of Rate Filing

June 16, 1983.

Take notice that on June 10, 1983, Mississippi River Transmission Corporation (Mississippi) submitted for filing Eighty-Sixth Revised Sheet No. 3A to its FERC Gas Tariff, First Revisd Volume No. 1. Mississippi states that the instant filing reflects a significant rate reduction, and requests that such rate reduction be allowed to become effective June 1, 1983.

Mississippi states that the instant filing is the result of rate reductions of two of Mississippi's pipeline suppliers, United Gas Pipe Line Company and Natural Gas Pipeline Company of America, and could reduce Mississippi's systemwide cost of gas on an annualized basis by $52.2 million. Mississippi believes the immediate flow through of such rate reduction will provide significant cost relief to residential, commercial and industrial customers on the distributor systems served by Mississippi. Therefore, Mississippi requests, a special, one-time waiver of the provisions of its FERC Gas Tariff and Commission Regulations to allow the instant filing to become effective on June 1, 1983, or alternatively on such other date as the United rate reduction is allowed to become effective.

Mississippi states that copies of is filing have been served on all jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211, 385.214). All such motions or protests should be filed in or before June 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16721 Filed 6-21-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP83-93-000]

Northwest Central Pipeline Corp.; Notice of Proposed Changes in FERC Gas Tariff

June 16, 1983.

Take notice that Northwest Central Pipeline Corporation (Northwest Central) on June 13, 1983, tendered for filing Original Sheet Nos. 2A and 2B to its FERC Gas Tariff, Original Volume No. 2, consisting of a Statement of Mainline System Transportation Rates.

Northwest Central states that these sheets establish a rate for transportation service and that it intends to aggressively pursue transportation service so as to encourage fuller utilization of its pipeline system which will, in turn, lower the unit cost of service for its existing customers.

Northwest Central states that copies of the filing were served on all interested parties and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, and 385.211). All such petitions or protests should be filed on or before June 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16722 Filed 6-21-83; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP83-332-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Request Under Blanket Authorization

June 16, 1983.

Take notice that on May 20, 1983, Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP83-332-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) that Northern proposes to construct and operate four small volume measuring stations and to modify two existing delivery points to accommodate natural gas deliveries to certain of its utility customers under the authorization issued in Docket No. CP82-401-000 pursuant to Section 7 of the Natural Gas Act all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern proposes to construct and operate four small volume sales measuring stations in Kansas, Iowa and Texas for Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples). It is stated that such measuring stations would be required to make sales of natural gas to non-right-of-way grantor customers through Peoples and would provide the necessary natural gas volumes for small volume industrial, commercial and residential service. Northern estimates the cost to construct the four small volume measuring stations to be $12,400.

Northern states that it also proposes to enlarge the existing small volume sales measuring station serving Penz Farms, located at Olmsted, Minnesota, pursuant to a request from Peoples. It is submitted that the modification is necessary to accommodate peak day

and annual requirements in order to convert a propane corn drying burner to natural gas, thereby increasing the peak day requirements to large volume status. Northern estimates the cost to enlarge the Penz Farms delivery point to be $3,225.

Finally, Northern proposes to enlarge the Tripoli, Iowa, Town Border Station (TBS) No. 1 in order to accommodate an increase in annual requirements. It is submitted that such capacity would be utilized in expanding the grain drying operations of the Tripoli Ag-Center. Northern estimates the cost to enlarge the Tripoli TBS No. 1 to be $6,510.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205 a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16723 Filed 6-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA83-2-35-001 and RP83-76-000]

Peoples Natural Gas Co.; Notice of Filing of Revised Tariff Sheet

June 16, 1983.

Take notice that on June 10, 1983, Peoples Natural Gas Company Division of InterNorth, Inc. (Peoples) tendered for filing Substitute Thirteenth Revised Sheet No. 3a, as part of its FERC Gas Tariff, Original Volume No. 4, to be effective June 1, 1983.

Peoples states that the revised tariff sheet is filed in accordance with the Commission's Order dated May 27, 1983, in the above-captioned proceeding. The tariff sheet and supporting schedules are submitted in order to track Colorado Interstate Gas Company's reduced level of rates made effective by them on May 1, 1983.

Peoples also states that, in compliance with the Commission's Order, the revised rates will become effective to their Volume No. 4 customers on June 1, 1983.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such petitions or protests should be filed on or before June 24, 1983. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16724 Filed 6-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP83-349-000]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Notice of Request Under Blanket Authorization

June 16, 1983.

Take notice that on May 26, 1983, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP83-349-000 a request pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205 and 157.208) that Tennessee proposed to construct and operat facilities under the authorization issued to Tennessee in Docket No. CP82-413-000 pursusnt to Section 7 of the Natrual Gas Act, all as more fully set forth in the request or file with the Commission and open to public inspection.

Tennessee proposes to construct and operate 3.1 miles of 6-inch pipeline between Tenneco Oil Company's production platforms located in East Cameron Block 129 and Vermilion Block 122, offshore Louisiana, and 6.9 miles of 8-inch pipeline extending from the Vermilion Block 122 production platform to Tennessee's existing 12-inch pipeline located in Vermilion Block 119, offshore Louisiana. Tennessee also proposes to install related measuring facilities. It is asserted that the proposed facilities would be utilized to attach committed reserves to augment Tennessee's existing system supply and thereby ensure adequate long-run service to its customers. It is further stated that 75 percent of the reserves attributable to Vermilion Block 122 and East Cameron Block 129 are dedicated to Tennessee by Tenneco Oil Company and that the remaining 25 percent interests in the blocks are uncommitted.

It is estimated that the proposed facilities would cost $5,177,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Kenneth F. Plumb,

Secretary.

[FR Doc. 83-16725 Filed 6-21-83; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER83-529-000]

Wisconsin Public Service Corp; Filing

Correction

In FR Doc. 83-16037 appearing on page 27438 in the issue of Wednesday, June 15, 1983, make the following correction: In the second column, in the fourth and fifth lines from the bottom of the column, "Wisconsin Electric Power Company" should read "Wisconsin Public Service Corporation".

BILLING CODE 1505-01

ENVIRONMENTAL PROTECTION AGENCY

[PF-329; PH-FRL 2382-8]

Certain Companies; Pesticide Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide petitions relating to the establishment and/or withdrawal of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to the product manager (PM) cited in each petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental

Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The Comments are to be identified by the document control number [PF-329] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide petitions relating to the establishment and/or withdrawal of tolerances for residues of certain pesitcide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filing

PP 3F2885. DMB Packing Corp., Fresno & N Sts., Newman, CA 95360. Proposes amending 40 CFR 180.1030 by establishing an exemption from the requirement of a tolerance for residues of the plant growth regulator isobutyric acid resulting from the application of ammonium isobutyrate in or on the commodity grapes. The proposed analytical method for determining residues is gas chromatography-mass spectrometry. (PM-25, Robert Taylor, 703-557-1800).

II. Withdrawal

PP 2F2698. BFC Chemicals Inc., 4311 Lancaster Pike, P.O. Box 2867, Wilmington, DE 19805. In the **Federal Register** of June 30, 1982 (47 FR 28453), BFC Chemicals Inc. submitted pesticide petition 2F2698 proposing to amend 40 CFR 180.345 by establishing tolerances for the combined residues of the herbicide ethofumesate (2-ethoxy-2,3-dihydro-5-benzofuranyl methanesulfonate) and its metabolites 2-hydroxy-2,3-dihydro-3, 3-dimethyl-5-benzofuranyl methanesulfonate and 2,3-dihydro-3,3- dimethyl-2-oxo-5-benzofuranyl methanesulfonate (both calculated as the parent compound) in or on the commodity grass, fresh at 10.0 parts per million (ppm). The petitioner subsequently amended the petition on December 12, 1982 (47 FR 57127), by increasing the tolerance of fresh grass to 20 ppm, and proposed tolerances on additional commodities.

BCF Chemicals Inc. has withdrawn this petition without prejudice to future filing in accordance with Sec. 408 of the Federal Food, Drug, and Cosmetic Act. (PM-23, Richard Mountfort, 703-557-1830).

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136))

Dated: June 3, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-16283 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

[PP 3G2801/T416; PH-FRC 2382-7]

Iprodione; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for combined residues of the fungicide iprodione its isomer, and its metabolite in or on the raw agricultural commodity lettuce. This temporary tolerance was requested by Rhone-Poulenc, Inc.

DATE: This temporary tolerance expires December 31, 1984.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 229, CM#2, 1921 Jefferson Davis Highway, Arlington, VA. 22202 (703-557-1900).

SUPPLEMENTARY INFORMATION: Rhone-Poulenc, Inc., P.O. Box 125, Black Horse Lane, Monmouth Junction, NJ 08852, has requested, in pesticide petition PP 3G2801 the establishment of a temporary tolerance for the combined residues of the fungicide iprodione, 3-(3,5-dichlorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidine-carboxamide, its isomer, 3-(1-methylethyl)-N-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide, and its metabolite 3-(3,5-dichlorophenyl)-2,4-dioxo-1-imidazolidinecarboxamide in or on the raw agricultural commodity lettuce at 7.0 parts per million (ppm) as a result of preharvest applications.

This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 359-EUP-63 which is being issued under the Federal Insecticide, Fungicide, and Rodentcide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permit and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permit.

2. Rhone-Poulenc, Inc., must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires December 31, 1984. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any experience or scientific data with this pesticide indicate that such revocation is necessary to protect the public health.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 610-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: June 9, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-16284 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

[PF-330; PH-FRL 2383-1]

Pesticide, Feed, and Food Additive Petitions; Dow Chemical Co., et al.

AGENCY: Environmental Protection Agency (EPA).
ACTION: Notice.

SUMMARY: EPA has received pesticide, feed, and food additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 12, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number (PF-330) and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenerger, PM-12, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA gives notice that the agency had received the following pesticide, feed, and food additive petitions relating to the establishment and/or amendment of tolerances for residues of certain pesticide chemicals in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

I. Initial Filing

1. *FAP 3H5393.* The DOW Chemical Co., P.O. Box 1706, Midland, MI 48640. Proposes amending 21 CFR 561.98 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl *O*-(3,5,6-trichloro-2-pyridyl) phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the commodities raisin waste at 0.8 part per million (ppm) total, of which no more than 0.5 ppm is chlorpyrifos, and grape pomace at 3.0 ppm total, of which no more than 2.5 ppm is chlorpyrifos.

2. *FAP 3H5393.* DOW Chemical Co. Proposes amending 21 CFR 193.85 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos and its metabolite in or on the commodity raisins at 0.2 ppm.

3. *PP 3F2872.* DOW Chemical Co. Proposes amending 40 CFR 180.342 by increasing the established tolerances for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the commodity grapes at 1.0 ppm total, of which no more than 0.8 ppm is chlorpyrifos. The proposed analytical method for determining residues is gas chromatography using a flame photometric detector.

4. *PP 3F2884.* DOW Chemical Co. Proposes amending 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorpyrifos and its metabolite in or on the following commodities:

Commodities	Parts per million (ppm)
Alfalfa, green, forage	4.0 (of which no more than 3 ppm is chlorpyrifos).
Alfalfa, hay	15.0 (of which no more than 8 ppm is chlorpyrifos).
Apples	1.5 (of which no more than 1 ppm is chlorpyrifos).
Bananas, pulp with peel removed.	0.05 (of which no more than 0.01 ppm is chlorpyrifos).
Bean, forage	1.0 (of which no more than 0.7 ppm is chlorpyrifos).
Broccoli	2.0 (of which no more than 1 ppm is chlorpyrifos).
Brussel sprouts	2.0 (of which no more than 1 ppm is chlorpyrifos).
Cabbage	2.0 (of which no more than 1 ppm is chlorpyrifos).
Cattle, meat	2.0 (of which no more than 0.4 ppm is chlorpyrifos).
Cattle, mbyp	2.0 (of which no more than 0.4 ppm is chlorpyrifos).
Cauliflower	2.0 (of which no more than 1 ppm is chlorpyrifos).
Cherries	2.0 (of which no more than 1 ppm is chlorpyrifos).
Chinese cabbage	2.0 (of which no more than 1 ppm is chlorpyrifos).
Citrus fruit	1.0 (of which no more than 0.6 ppm is chlorpyrifos).
Corn, field, grain	0.1 (of which no more than 0.05 ppm is chlorpyrifos).
Corn, fresh (incl) sweet, K + CWHR.	0.1 (of which no more than 0.05 ppm is chlorpyrifos).
Corn, fodder	10.0 (of which no more than 8 ppm is chlorpyrifos).
Corn, forage	10.0 (of which no more than 8 ppm is chlorpyrifos).
Cottonseed	0.5 (of which no more than 0.2 ppm is chlorpyrifos).
Cucumbers	0.1 (of which no more than 0.05 ppm is chlorpyrifos).
Eggs	0.1 (of which no more than 0.01 ppm is chlorpyrifos).
Figs	0.1 (of which no more than 0.01 ppm is chlorpyrifos).
Goats, fat	1.0 (of which no more than 0.6 ppm is chlorpyrifos).
Goats, meat	1.0 (of which no more than 0.1 ppm is chlorpyrifos).
Goats, mbyp	1.0 (of which no more than 0.1 ppm is chlorpyrifos).
Hogs, fat	0.5 (of which no more than 0.3 ppm is chlorpyrifos).
Hogs, meat	0.5 (of which no more than 0.05 ppm is chlorpyrifos).
Hogs, mbyp	0.5 (of which no more than 0.05 ppm is chlorpyrifos).
Horses, fat	1.0 (of which no more than 0.6 ppm is chlorpyrifos).
Horses, meat	1.0 (of which no more than 0.1 ppm is chlorpyrifos).
Horses, mbyp	1.0 (of which no more than 0.1 ppm is chlorpyrifos).
Milk, fat	0.5 (of which no more than 0.25 ppm is chlorpyrifos).
Milk, whole	0.02 (of which no more than 0.01 ppm is chlorpyrifos).
Mint, hay	1.0 (of which no more than 0.8 ppm is chlorpyrifos).
Nectarines	0.05 (of which no more than 0.01 ppm is chlorpyrifos).
Peaches	0.05 (of which no more than 0.01 ppm is chlorpyrifos).
Pea, forage	1.0 (of which no more than 0.7 ppm is chlorpyrifos).
Peanut, hulls	15.0 (of which no more than 2 ppm is chlorpyrifos).
Peanuts	0.5 (of which no more than 0.2 ppm is chlorpyrifos).
Pears	0.05 (of which no more than 0.01 ppm is chlorpyrifos).
Peppers	1.0 (of which no more than 0.5 ppm is chlorpyrifos).
Plums, incl, fresh prunes	0.05 (of which no more than 0.01 ppm is chlorpyrifos).
Potatoes, sweet	0.1 (of which no more than 0.05 ppm is chlorpyrifos).
Poultry, fat (incl. turkeys)	0.5 (of which no more than 0.3 ppm is chlorpyrifos).
Poultry, meat (incl turkeys).	0.5 (of which no more than 0.05 ppm is chlorpyrifos).
Poultry, mbyp (incl. turkeys).	0.5 (of which no more than 0.05 ppm is chlorpyrifos).
Pumpkins	0.1 (of which no more than 0.05 ppm is chlorpyrifos).
Radishes	3.0 (of which no more than 2 ppm is chlorpyrifos).
Rutabagas	3.0 (of which no more than 0.5 ppm is chlorpyrifos).
Seed and pod vegetables	0.1 (of which no more than 0.05 ppm is chlorpyrifos).
Sheep, fat	1.0 (of which no more than 0.6 ppm is chlorpyrifos).
Sheep, meat	1.0 (of which no more than 0.1 ppm is chlorpyrifos).
Sheep, mybp	1.0 (of which no more than 0.1 ppm is chlorpyrifos).
Sorghum, fodder	6.0 (of which no more than 3 ppm is chlorpyrifos).
Sorghum, forage	1.5 (of which no more than 0.8 ppm is chlorpyrifos).
Sorghum, grain	0.75 (of which no more than 0.3 ppm is chlorpyrifos).
Soybeans, forage	8.0 (of which no more than 6 ppm is chlorpyrifos).
Soybeans	0.5 (of which no more than 0.3 ppm is chlorpyrifos).
Strawberries	0.5 (of which no more than 0.2 ppm is chlorpyrifos).
Sunflower seeds	0.25 (of which no more than 0.2 ppm is chlorpyrifos).
Turnip, greens	1.0 (of which no more than 0.3 ppm is chlorpyrifos).
Turnips	3.0 (of which no more than 1 ppm is chlorpyrifos).

The proposed analytical method for determining residues is gas chromatography using a flame photometric detector.

5. *FAP 3H5396.* Dow Chemical Co. Proposes amending 21 CFR 561.98 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos and its metabolite in or on the following commodities:

Commodities	Parts per million (ppm)
Apple, pomace, dried	12.0 (of which no more than 8 ppm is chlorpyrifos).
Citrus, pulp, dried	5.0 (of which no more than 2.5 ppm is chlorpyrifos).
Corn, soapstock	1.0 (of which no more than 0.5 ppm is chlorpyrifos).

Commodities	Parts per million (ppm)
Sorghum, grain, milling fractions.	1.5 (of which no more than 0.6 ppm is chlorpyrifos).
Sugar beets, pulp, dried.	5.0 (of which no more than 0.5 ppm is chlorpyrifos).
Sugar beets, molasses.	15.0 (of which no more than 0.01 ppm is chlorpyrifos).
Sunflower seed, hulls.	0.5 (of which no more than 0.4 ppm is chlorpyrifos).
Tomato, pomace (Pending tolerance).	35.0 (of which no more than 15 ppm is chlorpyrifos, intended for animal feed when present therein as the result of application of the insecticide to growing crops).

6. *FAP 3H5396.* Dow Chemical Co. Proposes amending 21 CFR 193–85 by establishing a regulation permitting the combined residues of the insecticide chlorpyrifos and its metabolite in or on the following commodities:

Commodities	Parts per million (ppm)
Citrus, oil	25.0 (of which no more than 15 ppm is chlorpyrifos).
Corn, oil	3.0 (of which no more than 1.5 ppm is chlorpyrifos).
Mint, oil	10.0 (of which no more than 8 ppm is chlorpyrifos).
Peanut, oil	1.5 (of which no more than 0.4 ppm is chlorpyrifos).

II. Amended Petition

PP 8F2117. E.I. du Pont de Nemours and Co., Wilmington, DE 19898. EPA issued a notice published in the **Federal Register** of September 29, 1978 (43 FR 44883) which announced that E.I. du Pont de Nemours and Co., had submitted pesticide petition PP 8F2117 to the Agency proposing to amend 40 CFR 180.303 by establishing a tolerance for residues of the insecticide oxamyl (methyl *N'*, *N'*-dimethyl-*N*-[(methylcarbamoyl)oxy]-1-thiooxamimidate) in or on the commodities corn, grain (field, sweet, and popcorn); corn; fodder, and forage at 0.1 ppm.

Du Pont has amended the petition by increasing the tolerance on field corn fodder and forage from 0.1 to 0.2 ppm. The proposed analytical method for determining residues is gas chromatography with sulfur sensitive flame-photometric detector.

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 9, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-16282 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

[OPP-240031; PH-FRL 2384-2]

Receipts of State Registration of Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received notices of registration of pesticides to meet special local needs under section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) from 24 States. A registration issued under this section of FIFRA shall not be effective for more than 90 days if the Administrator disapproves the registration or finds it to be invalid within that period. If the Administrator disapproves a registration or finds it be invalid after 90 days, a notice giving that information will be published in the **Federal Register.**

DATE: The last entry for each item is the date the State registration of the product became effective.

FOR FURTHER INFORMATION CONTACT: Sandra English, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 718, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–3045).

SUPPLEMENTARY INFORMATION: Most of the registrations listed below were received by EPA in January 1983. Receipts by EPA of state registrations will be published periodically. Except as indicated by (CUP) in five of the registrations listed below, there is no changed use pattern involved in any of these registrations.

Arizona

EPA SLN No. AZ 83 0001. Northrup King Co. Registration is for Ridomil 2E, to be used on broccoli and cauliflower grown for seed to control downy mildew. (CUP). January 13, 1983.

California

EPA SLN No. CA 83 0001. Del Monte Corp. Registration is for 4–CPA, to be used on mung bean sprouts to control root growth. January 31, 1983.

EPA SLN No. CA 83 0002. FMC Corp. Registration is for Furadan 10G, to be used on sunflowers (seed crop) to control stem weevils. January 7, 1983.

EPA SLN No. CA 83 0003. FMC Corp. Registration is for Pounce 3.2 EC, to be used on ornamental nursery stock in field and greenhouse to control beet armyworms, cabbage loopers, citrus thrips, Heliothis, leafhoppers, leafminers, and whiteflies. January 10, 1983.

EPA SLN No. CA 83 0007. California Dept. of Food and Agriculture. Registration is for Sevin Sprayable and Sevin 50–W, to be used on ornamental trees and shrubs to control gypsy moths. January 31, 1983.

EPA SLN No. CA 83 0008. California Dept. of Food and Agriculture. Registration is for Ortho Dibrom 8 and Emulsive, Naled 8 Insecticide, to be used on tree trunks, telephone poles, fence posts, and other inanimate objects to control oriental fruit flies. January 31, 1983.

Connecticut

EPA SLN No. CT 83 0001. Lakeshore Equipment and Supply Co. Registration is for Lesco 24–4–12 Fertilizer with 1.5% Oftanol, to be used on turf grasses to control white grub larvae, Japanese beetles, and Hyperode weevils. January 27, 1983.

Florida

EPA SLN No. FL 83 0001. The Land, Epcot Center. Registration is for Thiodan 3EC, to be used on pineapples, cantaloupes, and sweet potatoes to control apple aphids, army cutworms, and melon worms. January 12, 1983.

EPA SLN No. FL 83 0002. FMC Corp. Registration is for Furadan 15 GR, to be used on field corn to control lesser corn stalk borers, on potatoes to control nematodes, on flue-cured tobacco to control green peach aphids, on peppers to control sting nematodes, on sweet corn, to control wireworms, young southern pine plantations and pines planted for Christmas trees to control Nantucket pine tip moths, and on peanuts to control nematodes (root-knot, lesion, and ring). January 12, 1983.

EPA SLN No. FL 83 0003. The Land, Epcot Center. Registration is for Diazinon 50W, to be used on buffalo gourds, strawberries, rice, and beans to control white flies, webworms, and codling moths. January 25, 1983.

EPA SLN No. FL 83 0004. Great Lakes Chemical Corp. Registration is for Soilbrom-90 EC, to be used on residential and ornamental turf grasses to control nematodes, mole crickets, and white grubs. January 25, 1983.

Georgia

EPA SLN No. GA 83 0001. Dow Chemical U.S.A. Registration is for Lorsban 4E Insecticide, to be used on tobacco to control cutworms, flea beetle

larvae, mole crickets, and wireworms. January 27, 1983.

Hawaii

EPA SLN No. HI 83 0001. Sandoz, Inc. Registration is for Thuricide 32B Aqueous Concentrate, to be used on watercress to control diamondback moths. January 5, 1983.

Indiana

EPA SLN No. IN 83 0001. FMC Corp. Registration is for Furadan 15G Insecticide/Nematicide, to be used on cucurbits (cucumbers, melons, squash, pumpkins) to control nematodes and striped and spotted cucumber beetles. January 17, 1983.

Kansas

EPA SLN No. KS 83 0001. Drexel Chemical Co. Registration is for Drexel Ancrack, to be used on soybeans and peanuts to control seedling grasses and weeds. January 14, 1983.

Louisiana

EPA SLN No. LA 83 0001. E.I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on rice to control sheath blight (*Rhizoctonia solani*). (CUP). January 27, 1983.

Michigan

EPA SLN No. MI 83 0001. Cities Service Co. Registration is for Tennessee Brand Tri-Basic Copper Sulfate, to be used on cherries to control bacterial cankers. (CUP). January 11, 1983.

Mississippi

EPA SLN No. MS 83 0001. Burroughs Wellcom Co. Registration is for Atroban 11% EC, to be used on livestock and their premises to control flies and lice. January 13, 1983.

EPA SLN No. Ms 83 0002. ICI Americas Inc. Registration is for Ectiban Emulsifiable Concentrate, to be used on horses, beef and dairy cattle, and their premises to control flies, lice, northern fowl mites, and mange. January 20, 1983.

EPA SLN No. MS 83 0003. Chevron Chemical Co. Registration is for Orthene Tree and Ornamental Spray, to be used on pasture and range areas to control fire ants. January 31, 1983.

Missouri

EPA SLN No. MO 83 0001. FMC Corp. Registration is for Furadan 15G, to be used on soybeans to control nematodes. January 3, 1983.

EPA SLN No. MO 83 0002. FMC Corp. Registration is for Furadan 15G, to be used on corn, grain sorghum, and sorghum grown for forage to control chinch bugs. January 3, 1983.

EPA SLN No. MO 83 0003. Chevron Chemical Co. Registration is for Bolero 8 EC, to be used on rice to control annual grasses and aquatic weeds. January 31, 1983.

New Hampshire

EPA SLN No. NH 83 0001. Pennwalt Corp. Registration is for Endothal Turf Herbicide, to be used on turf grasses to control *Poa annua*. January 1, 1983.

New Mexico

EPA SLN NoO. NM 83 0001. FMC Corp. Registration is for Furadan 15G, to be used on peanuts to control nematodes (rootknot, sting, stunt, lesion, and ring) and thrips. January 27, 1983.

EPA SLN NoO. NM 83 0002. FMC Corp. Registration is for Furadan 10G, to be used on peanuts to control nematodes (root-knot, sting, stunt, lesion, and ring) and thrips. January 27, 1983.

North Carolina

EPA SLN No. NC 83 0001. Dow Chemical U.S.A. Registration is for Lorsban 4E Insecticide, to be used on tobacco to control larvae of cutworms and wireworms. January 3, 1983.

EPA SLN No. NC 83 0002. Dow Chemical U.S.A. Registration is for Lorsban 15G, to be used on tobacco to control larvae of cutworms and wireworms. January 3, 1983.

EPA SLN No. 83 0003. FMC Corp. Registration is for Furadan 15G, to be used on southern pine progeny tests to control Natucket pine tip moths. January 5, 1983.

EPA SLN No. NC 83 0004. FMC Corp. Registration is for Furadan 15G, to be used on potatoes to control Colorado potato beetles, potato flea beetles, green peach aphids, and potato tuberworms. January 5, 1983.

EPA SLN No. 83 0005. E.I. du Pont de Nemours and Co. Registration is for Du Pont Benlate Fungicide, to be used on asparagus to control crown and root rots. (CUP). January 10, 1983.

North Dakota

EPA SLN No. ND 83 0001. Diamond Shamrock Corp. Registration is for Ectrin Insecticide Water Dispersible Liquid, to be used on livestock and their premise to control flies, lice, and ticks. January 18, 1983.

Ohio

EPA SLN No. OH 83 0001. FMC Corp. Registration is for Furadan 15G Insecticide-Nematicide, to be used on white pine seed orchards to control white pine cone beetles. January 12, 1983.

Oklahoma

EPA SLN NO. OK 83 0001. Platte Chemical Co. Registration is for Clean Corp Diazinon 14G, to be used on winter wheat to control white grub species. January 25, 1983.

Oregon

EPA SLN No. OR 83 0001. PPG Industries, Inc. Registration is for Sprout Nip 7A Aerosal Grade, to be used on potatoes in forced air or refrigerated storage to control sprouting. January 7, 1983.

EPA SLN No. OR 83 0002. Platte Chemical Co. Registration is for Clean Crop Dinitro 3 Herbicide, to be used on conifer plantations to desiccate brush. January 7, 1983.

EPA SLN No OR 83 0003. Mobay Chemcial Corp. Registration is for Baygon 1.67, to be used on outdoor areas to control adult mosquitoes. January 9, 1983.

EPA SLN No. OR 83 005. PPG Industries, Inc. Registration is for Chem Hoe FL 4, to be used on alfalfa to control winter annual grasses, volunteer grains, and wild oats. January 9, 1983.

Pennsylvania

EPA SLN No. PA 83 0001. ICI Americas Inc. Registration is for Ectiban Emulsifiable Concentrate, to be used on horses, beef and dairy cattle and their premises to control flies, lice, northern fowl mites, and mange. January 18, 1983.

South Carolina

EPA SLN No. SC 83 0001. Great Lakes Chemical Corp. Registration is for Soilbrom-90 and Soilbrom-90EC, to be used on cotton at planting time to control nematodes. January 5, 1983.

Texas

EPA SLN No. TX 83 0001. FMC Corp. Registration is for Furadan 15G, to be used on sugarbeets to control beet leafhoppers and curly top virus. January 6, 1983.

EPA SLN No. TX 83 0002. Dow Chemical U.S.A. Registration is for Tordon 22K Weed Killer, to be used on grainlands to control annual and perennial broadleaf weeds. January 10, 1983.

EPA SL No. TX 83 0003. E.I. du Pont de Nemours and Co. Registration is for Du Pont Velpar L Weed Killer, to be used on rangelands to control woody plants. January 10, 1983.

Utah

EPA SLN No. UT 83 0001. Diamond Shamrock Corp. Registration is for Ectrin Insecticide, Water Dispersible Liquid, to be used on livestock and their premises to control flies, lice, and ticks. January 10, 1983.

Virginia

EPA SLN No. VA 83 0001. E.I. du Pont de Nemours and Co. Registration is for Du Pont Sinbar Weed Killer, to be used on alfalfa to control barnyardgrasses, foxtails, and henbits. January 24, 1983.

EPA SLN NO. VA 83 0002. Tennessee Chemical Co. Registration is for Copper Sulfate Granular Crystals (Snow Crystals), to be used indoors and outdoors on damp non-residential wood, masonry walls, and floors to control algae and mosses. (CUP). January 24, 1983.

Dated: June 9, 1983.

Douglas D. Campt,

Director, Registration Division.

[FR Doc. 83-16545 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-59125A BH-FRL 2387-3]

Certain Chemicals; Approval of Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice

SUMMARY: This notice announces EPA's approval of TM-83-51, an application for test marketing exemptions (TME) under section 5(h)(6) of the Toxic Substances Control Act (TSCA). The test marketing conditions are described below.

EFFECTIVE DATE: June 14, 1983.

FOR FURTHER INFORMATION CONTACT: Theodore C. Jones, Acting Chief, Notice Review Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-204, 401 M St. SW., Washington, D.C. (202)382-3725).

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and to permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present any unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities.

EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the applications, and for the time periods specified below, will not present any unreasonable risk of injury to health or the environment. Production volume, number of workers exposed to the new chemical, and the levels and duration of exposure must not exceed that specified in the applications. All other conditions described in the applications must be met. The following additional restrictions apply:

1. The applicant must maintain records of the date(s) of shipment(s) to each customer and the quantities supplied in each shipment, and must make these records available to EPA upon request.

2. A bill of lading accompanying each shipment must state that use of the substance is restricted to that approved in the TME.

TME 83-51

Date of Receipt: May 2, 1983.

Notice of Receipt: May 13, 1983 (48 FR 21646).

Applicant: Confidential.

Chemical: Modified ethylene-tetrafluoroethylene copolymer.

Use: Wire and cable coating, chemical process equipment parts, parts for electrical equipment.

Import Volume: 5000 kg.

Exposure Information: Potential for dermal exposure for a total of 8 workers, up to 9 hours/day, up to 14 days during processing and disposal.

Test Marketing Period: 6 months.

Commencing on: (Insert signature date.)

Risk Assessment: Based on the type of polymer and molecular weight, absorption of the substance is considered unlikely. No health or environmental concerns were identified for the substance. Exposure to workers and the environment is expected to be low. Therefore, the Agency finds that the test market substance will not present an unreasonable risk to health or the environment during test marketing under the conditions specified in the application.

Public Comments: None.

The Agency reserves the right to rescind approval of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk to health or the environment.

Dated: June 14, 1983.

Marcia E. Williams,

Acting Director, Office of Toxic Substances.

[FR Doc. 83-16707 Filed 6-1-83 8:45 am]

BILLING CODE 6560-50-M

[PF-335; PH-FRL 2387-1]

ICI Americas, Inc.; Pesticide, Feed, and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received pesticide, feed, and food additive petitions relating to the establishment of tolerances for the combined residues of the insecticide pirimiphos-methyl in or on certain commodities.

ADDRESS: Written comments to: Product Manager (PM) 12, Registration Division (TS-767C), Environmental Protection Agency, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Written comments may be submitted while the petitions are pending before the Agency. The comments are to be identified by the document control number [PF-335] and the petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: Jay Ellenberger, PM-12, (703-557-2386).

SUPPLEMENTARY INFORMATION: EPA gives notice that the Agency has received the following pesticide, feed, and food additive petitions relating to the establishment of tolerances for the combined residues of the insecticide pirimiphos-methyl (*O*-(2-diethylamino-6-methyl-pyrimidin-4-yl) *O,O*-dimethylphosphorothioate, and its metabolites *O*(2-ethylamino-6-methyl-pyrimidin-4-yl) *O,O*-dimethylphosphorothioate and free and conjugated form; 2-diethylamino-6-methyl-pyrimidin-4-ol, 2-ethylamino-6-methyl-pyrimidin-4-ol and 2-amino-6-methyl-pyrimidin-4-ol in or on certain commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

Initial Filings

1. *PP 3F2696.* ICI Americas Inc., Wilmington, DE 19897. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the insecticide pirimiphos-

methyl and its metabolites in or on the commodities eggs at 0.5 part per million (ppm); fat, meat and meat byproducts of cattle, goats, hogs, horses, and sheep (except liver and kidney) at 0.15 ppm; kidney of cattle, goats, hogs, horses, and sheep at 2.0 ppm; liver of cattle, goats, hogs, horses, and sheep at 1.0 ppm; milk at 0.5 ppm; peanut hulls at 125.0 (ppm); peanuts at 25.0 ppm; and poultry at 4.0 ppm. The proposed analytical method for determining residues is by gas chromatography/mass spectrometry.

2. *PP 3F2897.* ICI Americas Inc. Proposes amending 40 CFR Part 180 by establishing tolerances for the combined residues of the insecticide pirimiphos-methyl and its metabolites in or on the commodities corn, grain sorghum, and wheat at 10.0 ppm and rice at 15.0 ppm. The proposed analytical method for determining residues is by gas chromatography/mass spectrometry.

3. *FAP 3H5398.* ICI Americas, Inc. Proposes amending 21 CFR Part 193 by establishing a regulation permitting residues of the insecticide pirimiphos-methyl and its metabolites in or on the commodity peanut oil at 50.0 ppm.

4. *FAP 3H5398.* ICI Americas Inc. Proposes amending 21 CFR Part 561 by establishing a regulation permitting residues of the insecticide pirimiphos-methyl and its metabolites in or on the commodities rice hulls at 60.0 ppm; rice and wheat milling fractions at 50.0 ppm; and wheat gluten at 30.0 ppm.

(Sec. 408(d)(1), 68 Stat. 512, (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786, (21 U.S.C. 348))

Dated: June 15, 1983.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 83-16705 Filed 6-21-83; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

[FCC 83-263; MM Docket No. 83-540; File No. BRCT 830401-LM et al.]

Spanish International Communications Corp. et al.; Hearing

Adopted: May 26, 1983.

Released: June 16, 1983.

In the matter of: Spanish International Communications Corporation, For Renewal of license of: KWEX-TV, San Antonio, Texas; MM Docket No. 83-540, File No. BRCT 830401-LM; KMEX-TV, Los Angeles, California; MM Docket No. 83-541, File No. BRCT 800730; WXTV (TV), Paterson, New Jersey; MM Docket No. 83-542, File No. BRCT-810130-KM; WLTV(TV) Miami, Florida; MM Docket No. 83-543, File No. BRCT-811001-KU; KFTV(TV), Hanford-Fresno, California; MM Docket No. 83-544, File No. BRCT-800801-KJ; Bahia de San Francisco Television Company, For Renewal of license of KDTV(TV), San Francisco, California; MM Docket No. 83-545, File No. BRCT-800730-KJ; Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues.

By the Commission: Commissioners Fowler, Chairman; Quello and Rivera concurring in the result; Commissioner Fogarty not participating; Commissioner Sharp absent.

1. The Commission has before it for consideration the above-captioned license renewal applications and its inquiries into the operation of Television Stations KWEX-TV, KMEX-TV, WXTV, WLTV, KFTV and KDTV.[1]

2. On March 20, 1980, Spanish Radio Broadcasters Association (SRBA) filed an "Informal Objection" to the Commission's grant of authority to construct and operate experimental translator stations at Washington, D.C., and Denver, Colorado to Los Cerezos Television Company and Spanish International Communications Corporation (SICC), respectively. On March 28, 1980, the Chief, Broadcast Bureau (now Chief, Mass Media Bureau), acting under delegated authority, granted the applications. On April 11, 1980, SRBA filed an "Application for Review of Action Taken Pursuant to Delegated Authority" wherein it alleged that: (1) Spanish International Communications Corporation is under alien control (citing Section 310 of the Communications Act, as amended); (2) Spanish International Communications Corporation had misrepresented facts to the Commission concerning its ownership of earth stations; and (3) Spanish International Communications Corporation violates the Commission's concentration of control policies with regard to its control of Spanish television in the United States. As a result of information provided in SRBA's filings, an investigation was conducted into the SRBA allegations. To the extent that this order provides the relief SRBA was seeking, its application for review is granted. In all other respects it is denied. In addition, SRBA is hereby made a party to this proceeding with regard to all designated issues.

[1] KDTV, while not licensed to Spanish International Communications Corporation, is licensed to a corporation controlled by principals of Spanish International Communications Corporation and is included, therefore, in this designation order. *James S. Rivers*, 48 FR 8585, published March 1, 1983.

3. Information obtained by the Commission's staff as a result of the investigation raises a serious question as to whether the captioned stations are under alien control in violation of Section 310 of the Communications Act of 1934, as amended. In view of this question, the Commission is unable to find that the applicants have the requisite qualifications to remain licensees. Consequently, the renewal applications of the captioned stations will be designated for hearing to determine whether the public interest, convenience and necessity will be served by grant of the renewals.

4. The investigation of the misrepresentation allegation, concerning the ownership of earth stations, produced operating and financial documentation that confirmed that Spanish International Communications Corporation owns, operates and services the earth stations, as it stated in filings with the Commission. Thus, this allegation is without merit and warrants no further exploration.

5. The concentration of control allegation stemmed from the difficulty that some broadcasters have experienced in acquiring Spanish language programming produced in Mexico and in other countries. These broadcasters contended that the difficulty was due to SICC's influence. Thus, our investigation concerning this allegation focused on whether the licensees' operations were conducted specifically to reduce competition in the Spanish language television marketplace. The information gathered through our investigation does not provide sufficient grounds to support the broadcasters' contention. We believe that the allegation may have been prompted by the major role that SICC plays in the Spanish language television market. However, the magnitude of SICC's operations, by itself, does not support an allegation of anti-competitive behavior, nor does the fact that station failures are alleged to have occurred support the conclusion that the failures are attributable to anti-competitive conduct by SICC. Therefore, we find that there are no substantial and material questions of fact concerning this allegation which would warrant exploration in a hearing. Consequently, an issue will not be specified.

6. The renewal application of KTVW-TV, Phoenix, Arizona, which like KDTV, is licensed to a corporation controlled by principals of Spanish International Communications Corporation, is due to expire October 1, 1983. We believe that the public interest would be served by prompt institution of a hearing in this

matter and we, therefore, require The Seven Hills Television Company to submit a renewal application for Station KTVW-TV within 30 days of release of this order at which time the Chief, Mass Media Bureau, pursuant to authority hereby delegated, will designate that application for hearing and consolidate it with the above captioned applications. See § 73.3539(c) of the Commission's Rules. As in the case of KWEX-TV whose renewal application was designated prior to the termination of the 90-day period within which mutually exclusive applications can be filed against renewals (*See*, § 73.3516(e) of the Commission's rules), any competing application that may be filed against the KTVW-TV renewal will be designated and consolidated herein.

7. In addition to the captioned broadcast stations, Spanish International Communications Corporation is the licensee of translator Stations K42AB, Austin, Texas; K39AB, Bakersfield, California; W61AH, Hartford, Connecticut; W35AB, Philadelphia, Pennsylvania; and KA2XEG, Denver Colorado, and The Seven Hills Television Company is the licensee of K40AC, Tucson, Arizona. Spanish International Communications Corporation's and The Seven Hills Television Company's qualifications to continue as licensees of these translator stations shall also be determined in light of the evidence adduced under the issues designated, *infra*. The renewal applications of these translator stations shall be filed within 30 days of release of this order at which time they will be similarly designated for hearing and consolidated with the above captioned applications. Furthermore, other translator stations are licensed to individuals associated with, or under the control of, Spanish International Communications Corporation. If, in light of evidence adduced under the designated issues, it is established that other translator station licensees should be made a party to this proceeding, the Chief, Mass Media Bureau, is hereby delegated the authority to require such licensees to file early renewal applications, to designate those applications for hearing, and to consolidate such renewal proceedings with this proceeding.[3]

8. Accordingly, *it is ordered*, That the captioned applications *are designated for hearing* in a consolidated proceeding pursuant to the Section 309(e) of the Communications Act of 1934, as amended, at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether Spanish International Communications Corporation or Bahia de San Francisco Television Company is controlled by aliens or their representatives in violation of Section 310(b) of the Communications Act of 1934, as amended.

(b) To determine whether network agreements between the Spanish International Network and Spanish International Communications Corporation, which permit Spanish International Network to control local commercial advertising rates charged by the Spanish International Communications Corporation's stations, were violative of § 73.658(h) of the Commission's Rules.

(c) To determine whether the public interest, convenience and necessity will be served by continuing the waiver of § 73.658(i) of the Commission's Rules granted Spanish International Communications Corporation and Bahia de San Francisco Television Company in *Memorandum Opinion and Order and Notice of Proposed Rulemaking*, FCC 78-862, released September 29, 1978.

(d) To determine, in light of the evidence adduced under issues (a) and (b), whether Spanish International Communications Corporation and Bahia de San Francisco Television Company have the requisite qualifications to be or remain licensees of the Commission and whether a grant of the captioned applications would serve the public interest, convenience and necessity.

9. *It is further ordered*, That the Chief of the Mass Media Bureau is directed to serve upon the captioned applicants within thirty (30) days of the release of this Order a Bill of Particulars with respect to issues (a) and (b).

10. *It is further ordered*, That the Mass Media Bureau proceed with initial presentation of evidence with respect to issues (a) and (b) and that the Applicants shall have the burden of proceeding with regard to issue (c).

11. *It is further ordered*, That the applicants shall have the burden of proof with respect to all issues specified herein.

12. *It is further ordered*, That to avail itself of the opportunity to be heard, each applicant, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, shall, within twenty (20) days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for hearing and present evidence on the issues specified in this order.

13. *It is further ordered*, That the "Informal Objection" and "Application for Review of Action Taken Pursuant to Delegated Authority" filed by SRBA are granted to the extent indicated herein, and denied in all other respects.

14. *It is further ordered*, That the applicants herein, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules shall give notice of the hearing within the time and in the manner prescribed in such Rule and shall advise the Commission thereof as required by § 73.3594(g) of the Rules.

15. *It is further ordered*, That the Secretary of the Commission send a copy of this Order by Certified Mail—Return Receipt Requested to Spanish International Communications Corporation, Bahia de San Francisco Television Company and the Spanish Radio Broadcasters Association.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 83-16748 Filed 6-21-83; 8:45 am]

BILLING CODE 6712-01-M

[3] Evidence with respect to the ownership and/or operation of such other translator stations shall be deemed relevant to the issues specified herein.

FEDERAL MARITIME COMMISSION

[Docket No. 83-28; In Re Agreements Nos. 10457, 10458, 10332-3 and 10371-2]

Order of Investigation and Hearing and Approval Pendente Lite

Agreements Nos. 10457 and 10332-3, between Korea Marine Transport Company, Ltd. (KMTC) and Nippon Yusen Kaisha (NYK), and Agreements Nos. 10458 and 10371-2, among KMTC, NYK and Showa Line, Ltd. (Showa), have been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814).

Agreement No. 10457 provides that the parties may cross-charter space, jointly schedule and advertise their sailings, have reciprocal agency representation, and interchange equipment. Under the Agreement, the parties will operate three or more vessels, as they may subsequently agree, between ports in Korea, Hong Kong, and Taiwan and the U.S. Pacific Coast including Hawaii and Alaska. The agreement also provides that the parties may pool revenue on Korea origin/destination cargo and subcharter space not to exceed 780 TEU's per month to Showa. Agreement No. 10458 provides the terms upon which Showa may subcharter space from KMTC and NYK.

Agreement No. 10332-3 is a proposal to extend until July 1, 1986, the term of Agreement No. 10332, which is similar to

Agreement No. 10457 but applicable to a direct, non-intervening ports of call service between Korea and the U.S. Pacific Coast. Agreement No. 10371–2 is a proposal to extend until July 1, 1986, the term of Agreement No. 10371, which is an arrangement whereby NYK and KMTC may subcharter up to 420 TEU's per month to Showa.

Notices of filing were published in the Federal Register (47 FR 41423–4, September 20, 1982, and 48 FR 11987, March 22, 1983). Protests were timely filed by four carriers in the trade.[1] Proponents submitted a reply to the protests.

Agreements Nos. 10457 and 10458 are meant to be successor agreements to Agreements Nos. 10332, as amended, and 10371, as amended. These two agreements were subject of recently concluded Commission Docket No. 80–52, *Agreement Nos. 10186, as amended, 10332, as amended, 10371, as amended, 10377, 10364 and 10329.* As relevant to the instant agreements, the Commission approved Agreements Nos. 10332–2 and 10371–1. Provisions allowing the use of joint agents, coordination of sailings and revenue pooling, however, were ordered deleted as conditions of approval of Agreement No. 10332–2.

Protestants argue that the geographic scope and capacity limitations of Agreement No. 10457 are not sufficiently defined. They also argue that Proponents may be bloc voting in conferences and that these agreements interrelate with Japanese-Flag agreements. Additionally, Protestants argue that the pooling and agency authority has not been sufficiently justified. There was only one protest filed in response to the filing of Agreements Nos. 10332–3 and 10371–2. The protestant, APL, argues that all the agreements have the same basic infirmities.

Based on a review of the agreements, the statements submitted in support of those agreements, and the comments and protests that have been filed, the Commission believes that a number of issues raised require an evidentiary hearing.

Section 15 agreements which interfere with the policies of the antitrust laws will be disapproved as "contrary to the public interest" unless justified by evidence establishing that the agreement, if approved, will meet a serious transportation need, secure an important public benefit or further a valid regulatory purpose of the Shipping Act, 1916. The burden is on proponents of such agreements to come forward with the necessary evidence. *Federal Maritime Commission v. Aktiebolaget Svensko Amerika Linien*, 390 U.S. 238 (1968). The scope and depth of proof required from case to case may vary in relation to the degree of invasion of the antitrust laws. The information submitted to date is not sufficiently complete to enable the Commission to ascertain the scope of the Agreements and the degree to which they would restrict competition. In this regard, there remain unresolved issues which the parties are directed to address. They are:

1. Have NYK and KMTC engaged in bloc voting in the conferences to which they belong?

2. Should Agreement No. 10457 provide for a vessel or TEU limitation, or both? What should the limitation be?

3. What is the relationship between Agreements Nos. 10457 and 10458, on the one hand, and operations of Japanese-Flag vessels in the Transpacific trades, on the other?

4. What is the geographic scope of the authority of Agreement No. 10457? How, if at all, should that scope be limited?

5. What reporting provisions, if any, should be included in the Agreements to enable the Commission to perform its oversight function?

In addition to questions regarding the Agreements' scope and degree of anticompetitive impact, the Commission has a number of questions regarding the "ligitimate commercial objectives" upon which proponents rely to justify Agreements Nos. 10457 and 10458. Accordingly, the parties are directed to address the following:

1. Does KMTC, a carrier with several years experience in the trade, continue to require technical assistance from NYK (see Article 4, Agreement No. 10457) in order to compete in the trade?

2. Do NYK and KMTC require a joint sales force in order to adequately compete in this trade (see Article 4, Agreement No. 10457)?

3. Is the authority to coordinate sailings (see Article 1(a), Agreement No. 10457) necessary in order for the shipping public to benefit from the space chartering provisions of Agreement No. 10457 and can space chartering provisions feasibly operate without coordinating the sailings?

4. Given Showa's historical carriage, what is the justification for authorizing Showa to charter an average of 600 TEU's per month?

5. Is the U.S.-Far East trade (including the trades between the U.S., Japan, Korea, Taiwan and Hong Kong) overtonnaged as a whole? If so, what impact will the subject agreements have on the problem?

6. What public benefit can be expected if NYK and KMTC are authorized to enter into a space charter agreement in the U.S./Hong Kong/Taiwan trades?

7. Is revenue sharing on Korean origin/destination cargo necessary to offset NYK's status as a third-flag carrier in the Korean trade, and is it necessary for KMTC's continued development in this trade? Is this revenue sharing necessary for the continued functioning of the entire arrangement?

In addition, there is language in the Agreements that makes it difficult to determine the likely effects or operations of the Agreements. For instance, Article 1(a) of Agreement No. 10457 provides that the parties may operate such vessels as they may agree. Similarly, Article 5(a) provides that they may charter as they may agree. Also, Article 6 provides for other allowances as the parties deem appropriate.

Pending the resolution of the issues presented and the ultimate disposition of the agreements submitted for approval, the Commission has determined to permit the continuation of Agreements Nos. 10332 and 10371 on the same terms authorized by final action in Docket No. 80–52, *supra*. The abrupt cessation of presently approved space chartering authorities could be disruptive to the U.S./Korea trade in general. Under such circumstances the public need for stable trading conditions warrants the preservation of the *status quo* for the relatively brief period necessary to complete the instant investigation.

Therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), an investigation and hearing is instituted to determine whether Agreements Nos. 10457, 10458, 10332–3 and 10371–2 should be approved, disapproved or modified. This investigation will address any material factual and legal issues including those discussed above; and

It is further ordered, That Agreements Nos. 10332–3 and 10371–2 are approved *pendete lite;* and

It is further ordered, That the parties listed in Appendix A attached hereto are hereby made Proponents in this proceeding; and

It is further ordered, That the parties listed in Appendix B attached hereto are hereby made Protestants in this proceeding; and

It is further ordered, That in accordance with the Commission's

[1] Carriers in the trade filing protests are: United States Lines, Inc.; Sea-Land Service, Inc.; American President Lines, Ltd. (APL); and Lykes Bros. Steamship Co., Inc.

Rules (46 CFR 502.42) the Director of the Bureau of Hearing Counsel is hereby made a party to this proceeding; and

It is further ordered, That this matter is assigned for hearing and decision to the Commission's Office of Administrative Law Judges with a public hearing to be held at a date and place hereafter determined by the Presiding Administration Law Judge but in no event later than the time limitation set forth in Rule 61 (46 CFR 502.61). This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that oral hearing and cross-examination are necessary to develop an adequate record; and

It is further ordered, That persons other than those named herein having an appropriate interest and desire to participate in this proceeding may petition for leave to intervene pursuant to § 502.72 of the Commission's Rules (46 CFR 502.72); and

It is further ordered, That this order be published in the **Federal Register** and a copy served upon all parties of record; and

It is further ordered, That all future notices, orders, or decisions issued in this proceeding, including notice of the time and place of hearing or prehearing conference, be mailed directly to all parties of record; and

It is further ordered, That all documents submitted by an party of record in this proceeding shall be filed in accordance with Rule 118 of the Commission's Rules (46 CFR 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

Appendix A

Korea Marine Transport Company
Nippon Yusen Kaisha
Showa Line, Ltd. (Agreements Nos. 10458 and 10371–3 only)

Appendix B

American President Lines, Ltd.
Lykes Bros. Steamship Co., Inc. (Agreements Nos. 10457 and 10458 only)
Sea-Land Service, Inc. (Agreements Nos. 10457 and 10458 only)
United States Lines, Inc. (Agreements Nos. 10457 and 10458 only)

[FR Doc. 83-16700 Filed 6-21-83; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities; Virginia National Bankshares, Inc. et al.

The organizations identified in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to these applications, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any comment that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated. Comments and requests for hearing should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than the date indicated.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Virginia National Bankshares, Inc.*, Norfolk, Virginia (financing and insurance activities; Virginia): To engage, through its subsidiary, VNB Credit Corporation, in making direct consumer installment loans, secured and unsecured, to individuals; purchasing consumer installment sales finance contracts; extending direct loans to dealers for the financing of inventory (floor planning) and working capital purposes; making, acquiring and servicing, for its own account or for the account of others, loans secured principally by mortgages on real property; and acting as agent for the sale of credit life and credit accident and health insurance and physical damage insurance, all of which are directly related to extensions of credit by VNB Credit Corporation. These activities would be conducted from an office in Hampton, Virginia and would serve an area within a five-mile radius of that office. Comments on this application must be received not later than July 15, 1983.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. *Intercontinental Bank Holding Company*, Miami, Florida (personal property leasing; Florida): To engage through its subsidiary, Intercontinental Bank H Leasing Company, Miami Beach, Florida, in making leases of personal property and acting as broker, agent, or adviser in leasing such property. These activities would be conducted from offices in Miami Beach, Florida, serving Dade, Broward and Monroe Counties, Florida. Comments on this application must be received not later than July 15, 1983.

C. **Federal Reserve Bank of Chicago** (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Citizens Bancorporation*, Sheboygan, Wisconsin (leasing activities; Wisconsin, upper peninsula of Michigan): To engage through its subsidiary, Citizens Equipment Financing Corp., in leasing personal property or acting as agent, broker, or advisor in leasing such property in conformance with the provisions of Regulation Y. These activities would be conducted from an office in Green Bay, Wisconsin, serving the State of Wisconsin and the upper peninsula of Michigan. Comments on this application must be received not later than July 12, 1983.

D. **Federal Reserve Bank of Minneapolis** (Bruce J. Hedblom, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota (financing, insurance and travelers checks activities; California): To engage through its subsidiary, Norwest Financial California, Inc., in the activities of consumer finance, sales finance and commerical finance, the sale of credit life, credit accident and health and property and credit related casualty insurance related to extensions of credit by Norwest Financial California, Inc. (such sale of credit-related insurance being a permissible activity under Subparagraph D of Title VI of the Garn-St Garmain Depository

Act of 1982) and the offering for sale and selling of travelers checks. These activities will be conducted from an office in Thousand Oaks, California, serving Thousand Oaks, California, and nearby suburbs of Los Angeles, California. Comment on this application must be received not later than July 12, 1983.

E. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *IntraWest Financial Corporation*, Denver, Colorado (mortgage banking activities; Colorado): To engage, through its subsidiary, IntraWest Mortgage Company, in the origination of VA, FHA and conventional mortgage loans, as well as in real estate commerical and construction loan activities, such as would be made by a mortgage banking company. These activities would be conducted from an office in Littleton, Colorado, serving the State of Colorado and, more particularly, the southeast guadrant of the Denver, Colorado, metropolitan area, as well as Littleton, Colorado. Comments on this application must be received not later than July 15, 1983.

F. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

1. *Security Pacific Corporation*, Los Angeles, California (financing, leasing, and credit related insurance activities; California): To engage through its subsidiary, Security Pacific Finance Corp. dba Security Pacific Executive/Professional Services, Inc., in making or acquiring, for its own account or for others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or consumer finance company, servicing and leasing activities with respect to personal property and equipment and real property in conformance with the provisions of Regulation Y, as well as acting as broker or agent for the sale of credit life, credit accident and health, and credit property insurance, such insurance activities being permitted pursuant to Section 601 (A) and (D) of Title VI of the Garn-St Germain Act. These activities would be conducted from an office of Security Pacific Finance Corp. dba Security Pacific Executive/Professional Services, Inc. located in Irvine, California, serving the State of California. Comments on this application must be received not later than July 15, 1983.

2. *Security Pacific Corporation*, Los Angeles, California (finance and credit-related insurance activities; Minnesota): To engage, through its subsidiaries, Security Pacific Finance Corp. and Security Pacific Finance Money Center Inc., in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit such as would be made by a factoring company or a consumer finance company, and acting as broker or agent for the sale of credit, life, credit accident and health and credit property insurance, such insurance agency activities being permitted pursuant to Section 601(A) and (B) of Title VI of the Garn-St Gramain Act. These activities would be conducted from offices of Security Pacific Finance Corp. and Security Pacific Finance Money Center Inc. in St. Louis Park, Minnesota, serving the State of Minnesota. Comments on this application must be received not later than July 15, 1983.

Board of Governors of the Federal Reserve System, June 16, 1983.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 83-16699 Filed 6-21-83; 8:45 am]

BILLING CODE 5210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Advisory Board Subcommittee on Cancer Control and the Community; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Cancer Control and the Community, National Cancer Institute, June 27, 1983, National Institutes of Health, Bulding 31C, Conference Room 6, Bethesda, Maryland. The entire meeting will be open to the public from 9:00 a.m. to adjournment for further discussion of DRGs (diagnosis-related groups) as applied to cancer research.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Peter Greenwald, Executive Secretary, Subcommittee on Cancer Control and the Community, National Cancer Institute, Building 31, Room 4A32, National Institutes of Health, Bethesda, Maryland 20205 (301/496-6616) will furnish substantive program information.

Originally the meeting was to be held at a later date; however, this notice is being published fewer than 15 days prior to the rescheduled meeting because it is now clear that legislation is imminent which will involve matters of critical importance to the Subcommittee on Cancer Control and the Community.

Dated: June 20, 1983.

Betty J. Beveridge,

Committee Management Officer, NIH

[FR Doc. 83-17009 Filed 6-21-83; 10:21 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-83-1256]

Community Development Block Grant Program

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: HUD is issuing a Notice of the dates for submission of applications to the HUD Area Office in Baltimore, Maryland for the HUD-administered Small Cities Program in Maryland under the Community Development Block Grant Program for Fiscal Year 1983.

FOR FURTHER INFORMATION CONTACT: Helen Duncan, State and Small Cities Division, Office of Community Planning and Development, Department of Housing and Urban Development, Washington, D.C. 20410; (202) 755-6322. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given that in accordance with 24 CFR 570.420(h)(3), the Department of Housing and Urban Development (HUD) has established dates for submission of applications for Small Cities Grants in the State of Maryland for Fiscal Year 1983. Notice of application submission dates for any other States where HUD is administering the program in Fiscal Year 1983 will appear in the **Federal Register** at a later date. Applications for funding under the Single Purpose and Comprehensive Grant provisions of the HUD-administered Small Cities Program will be accepted only during the designated time period. Applications

received in the Area Office after the deadline must be postmarked no later than the applicable deadline submission date. Any applications postmarked after that date are unacceptable and will be returned.

Applicants from the State of Maryland are hereby advised to submit their applications for Single Purpose Grants pursuant to 24 CFR 570.430, or their applications for Comprehensive Grants pursuant to 24 CFR 570.426, to the HUD Area Office in Baltimore, Maryland, no earlier than June 17, 1983; no later than July 1, 1983.

Dated: June 15, 1983.

Jack R. Stokvis,

General Deputy, Assistant Secretary for Community Planning and Development.

[FR Doc. 83-16695 Filed 6-21-83; 8:45 am]

BILLING CODE 4210-29-M

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-83-1257]

Request for State Certification

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

ACTION: Notice of Application by the State of Florida for State Certification of the Florida Condominium Program.

SUMMARY: The Secretary gives public notice that the State of Florida has applied for certification of its condominium program under 24 CFR 1710.502, published June 13, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on Florida's application.

DATE: Comments should be submitted no later than 30 days after this Notice of Application has been published.

ADDRESS: Send comments to the Office of Interstate Land Sales Registration, Department of Housing and Urban Development 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Roger G. Henderson, Director, Program Development and Control Division, Department of HUD, Room 4106, Washington, D.C. 20410. Telephone: (202) 755-5618. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The amendments to the Interstate Land Sales Full Disclosure Act were signed into law by the President on December 21, 1979 (Pub. L. 96-153). On June 13, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R-80-778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a state has been certified by the Secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report. The State of Florida has submitted an application for the Florida Condominium Program which is under consideration. The States of California, Minnesota, Florida (Land Sales), Arizona and Georgia have submitted applicatins and are certified. California was certified on January 6, 1981, Minnesota on October 2, 1981, Florida on January 18, 1982, Arizona on February 3, 1982, and Georgia on February 24, 1983.

Any person(s) interested in receiving the application materials prepared by the State of Florida may request copies of them from the Office of Interstate Land Sales Registration from the address above. After the 30-day public comment period ends, the Secretary's final determination to accept or reject Florida's application for certification of the Florida Condominium Program will be published in the **Federal Register.**

Dated: June 15, 1983.

Philip Abrams,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 83-16696 Filed 6-21-83; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Hopland Rancheria, California; Status as Indians

June 14, 1983.

This notice is published pursuant to the order issued on April 11, 1982, in *Roger Smith and Ray Billie* v. *United States*, Civil No. C-74-1016-WTS, by the United States District Court for the Northern District of California. Plaintiffs in that lawsuit retain their status as Indians under the laws of the United States and are not and have not been ineligible for services and benefits provided by the United States to Indians because of their status as Indians. All laws of the United States which affect Indians because of their status as Indians shall be applicable to plaintiffs, pursuant to and in accordance with the order of the United States District Court, Northern District of California, in *Roger Smith and Ray Billie* v. *United States*, No. C-74-1016-WTS. The conveyances issued by the Secretary of the Interior or his subordinates for the purpose of distributing lands of the Hopland Ranceria or interests in allotted lands belonging to persons or any entity listed in the Hopland distribution plan, under the Act of August 18, 1958, Pub. L. 85-671, 72 Stat. 619, as amended, are or may be rescinded at the option of any distributee or his transferee.

John W. Fritz,

Acting Assistant Secretary, Indian Affairs.

[FR Doc. 83-16668 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Reclamation

[INT-DES 83-46]

Diamond Fork Power System, Bonneville Unit, Central Utah Project; Availability and Public Hearings—Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement on a proposed hydroelectric power development plan that would also convey water for agricultural and municipal and industrial purposes in northern and central Utah. The statement was made available to the public on June 17, 1983.

The draft statement presents four alternatives for the power system that would generate power by means of a transbasin diversion of water. The water would descend about 2,600 feet from the enlarged Strawberry Reservoir in the Upper Colorado River Basin to the confluence of Diamond Fork and the Spanish Fork River in the Bonneville Basin through a system of tunnels, pipelines, reservoirs, and powerplants. A fifth alternative would not include power generation, but would consist only of water delivery facilities. All alternatives would provide fish and wildlife measures, recreational opportunities, and water quality control. In addition, all but the fifth alternative would provide flood control. Non-Federal participation is being explored as a means of partially funding construction of the project in return for a proportionate share of the energy produced.

Copies of the statement are available for inspection at the following locations:

Director, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, DC 20240. Telephone: (202) 343-4991

Division of Management Support, General Service, Library Section, Code 950, Engineering and Research Center, Denver Federal Center, Denver, Colorado 80225, Telephone: (303) 234–3019

Regional Director, Bureau of Reclamation, Upper Colorado Regional Office, P.O. Box 11568, Salt Lake City, Utah 84147, Telephone: (801) 524–5580

Utah Projects Office, Bureau of Reclamation, 160 North 200 West, P.O. Box 1338, Provo, Utah 84601, Telephone: (801) 379–1150

Single copies of the statement may be obtained on request to the Director, Office of Environmental Affairs, or the Regional Director at the above addresses. Copies will also be available for inspection in libraries in the project vicinity.

To obtain views and comments from interested individuals and organizations relating to the environmental impacts of the proposed project, Reclamation will hold public hearings as follows: July 26, 1983, at 7 p.m. at the Spanish Fork High School, Spanish Fork, Utah; July 27, 1983, at 9 a.m. in the Salt Lake City and County Building, Salt Lake City, Utah; and July 28, 1983, at 7 p.m. in the Provo City Building, Provo, Utah.

Oral statements will be limited to 10 minutes each. Speakers may not trade their time to obtain a longer oral presentation; however the person conducting the hearing may allow any speaker additional opportunity to comment after all scheduled speakers have been heard. Whenever possible, speakers will be scheduled according to the time preference requested. Speakers not present when called will lose their turn in the scheduled order, but will be given an opportunity to speak at the end of the scheduled presentations. Requests for scheduled presentations will be accepted until 4 p.m., July 22, 1983. Subsequent requests will be handled at the hearing on a first-come-first-served basis following the scheduled presentations. Organizations or individuals desiring to present statements at the hearings should contact either the Regional Director in Salt Lake City or the Utah Projects Office in Provo by letter or telephone.

Oral and written statements presented at the hearing will be summarized and responded to in the final environmental statement. Written comments for the hearing record from individuals unable to attend and from those wishing to supplement their oral presentations at the hearings should be sent to the Regional Director, Salt Lake City, to be received by August 23, 1983. Written comments received by this date will be printed in full in the final environmental statement.

Dated: June 17, 1983.

Jed D. Christensen,

Acting Commissioner.

[FR Doc. 83-16755 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

[AA-50379-10]

Alaska Native Claims Selection; Chugach Natives, Inc.

In accordance with departmental regulation 43 Code of Federal Regulations (CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 14 of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613 (1976) (ANCSA)), and Section 1430 of the Alaska National Interest Lands Conservation Act (94 Stat. 2371, 2531) (ANILCA) will be issued to Chugach Natives, Inc. for 1.258 acres. The lands involved are within:

U.S. Survey No. 3345, A & B, Block 1, Eyak Addition, Townsite of Cordova, Alaska.

The decision to issue conveyance will be published once a week, for four (4) consecutive weeks, in the CORDOVA TIMES upon issuance of the decision. for information on how to obtain copies, contact Bureau of Land Management Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal Government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised

If an appeal is taken, the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of the decision by personal service or certified mail, return receipt requested, shall have thirty days from the receipt of the decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of the decision by regular mail which is not certified, return receipt requested, shall have until July 22, 1983 to file an appeal

Any party known or unknown who is adversley affected by the decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska, Department of Natural Resources, Division of Research and Development, Pouch 7–005, Anchorage, Alaska 99510.

The Eyak Corporation, P.O. Box 340, Cordova, Alaska 99574

Chugach Natives, Inc., 903 West Northern LIghts Blvd., Suite 201, Anchorage, Alaska 99503.

Linda Brooks,

Acting Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 83-16694 Filed 6-21-83 8:45 am]

BILLING CODE 4310-84-M

Battle Mountain District Grazing Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 94–579, a meeting of the Battle Mountain District Grazing Advisory Board will be held.

DATE: August 3, 1983, begin at 9:00 a.m. in the Convention Center, 301 Brougher, Tonopah, Nevada.

FOR FURTHER INFORMATION CONTACT: H. James Fox, District Manager, P.O. Box 194, Battle Mountain, Nevada 89820 (702) 635–5181.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include: (1)

The expenditure of range betterment funds for range improvements, (2) discussion of the Tonopah Stewardship Program and allotment management plans, (3) changes in BLM grazing regulations and policies, and (4) recommendations from the grazing board concerning BLM's rangeland management program. The meeting is open to the public. Interested persons may make oral statements to the board between 3:30 and 4:00 p.m. on August 3, 1983, or file written statements for the board's consideration. If you wish to make oral comments please contact H. James Fox by July 29, 1983.

Dated: June 13, 1983.

Michael C. Mitchel,

District Manager, Battle Mountain, Nevada.

[FR Doc. 83-16682 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-84-M

[I-18302]

Public Land Exchange; Management Framework Plan Amendment; Idaho

Correction

In FR Doc. 83-14818 beginning on page 25003 in the issue of Friday, June 3, 1983, make the following correction in column two, paragraph one, land description, line four "NW½ W½ SW¼ SW¼" should read "W½ W½ SW¼ SW¼."

BILLING CODE 1505-01-M

Idaho; Boise District Grazing Advisory Board; Meeting

ACTION: Boise District, Idaho, Grazing Advisory Board Meeting.

SUMMARY: In accordance with Pub. L. 92-483, the Federal Advisory Committee Act, and Pub. L. 94-579, the Federal Land Policy and Management Act, notice is hereby given that the Boise District Grazing Advisory Board will meet July 13 to 15, 1983.

SUPPLEMENTARY INFORMATION: The meeting on July 13, 1983, will consist of a field tour of a grazing allotment in the Jarbidge Resource Area to discuss Allotment Categorization under the Selective Management Process. Individuals of the public are invited to attend but must furnish their own food and transportation. Individuals interested in attending the tour should meet at the BLM Boise District Office, 3948 Development Avenue, Boise, Idaho, at 7:00 a.m. on July 13, 1983. The tour will terminate at Jackpot, Nevada.

A business meeting will be held July 14, 1983, from 8:00 a.m. to 5:00 p.m. and July 15, 1983, from 8:00 a.m. to 12:00 p.m. in the Middle Stack Room of Cactus Pete's Motel in Jackpot, Nevada. The public is invited and a public comment period has been scheduled from 10:00 a.m. to 11:00 a.m. each day. Major topics for discussion at the business meeting are as follows:

—Boise District 5-Year Range Betterment Fund (8100) Plan
—Cooperative Management Agreements
—Exchange of Agreements
—Maintenance of Cattleguards

FOR FURTHER INFORMATION CONTACT: Further information is available from the Boise District, Bureau of Land Management, 3948 Development Avenue, Boise, Idaho 83705, phone (208) 334-1582. Minutes of the meeting will be available for public inspection at the District Office.

Kent Frandsen,

Acting District Manager.

[FR Doc. 83-16667 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-84-M

Administrative Areas of Responsibility

In accordance with the provisions of Department of the Interior Order 3087, approved December 3, 1982, following are the administrative areas of responsibility for Bureau of Land Management Districts in New Mexico and Oklahoma. This designation is effective upon this publication.

Tulsa District Office—The entire State of Oklahoma, those counties in Texas east of the 100th Meridian and further described as Hardeman, Foard, Haskell, Jones, Taylor, Runnels, Concho, Menard, Kimble, Kerr, Real, Uvalde, Zavala, Dimmit and Webb Counties and all those counties lying east of these counties.

Roswell District Office—Those counties in Texas west of the 100th Meridian and further described as Maverick, Kinney, Edwards, Sutton, Schleicher, Tom Green, Coke, Nolan, Fisher, Stonewall, King, Cottle, Childress, Collingsworth, Wheeler, Hemphill and Lipscomb Counties and all those counties lying west of these and the following counties in New Mexico: Quay, Guadalupe, DeBaca, Curry, Roosevelt, Lincoln, Chaves, Lea and Eddy.

Las Cruces District office—The following counties in New Mexico: Catron, Socorro, Sierra, Grant, Luna, Dona Ana, Otero and Hidalgo.

Albuquerque District Office—The following counties in New Mexico: San Juan, Rio Arriba, Taos, Colfax, Union, McKinley, Sandoval, Santa Fe, San Miquel, Mora, Harding, Cibola, Valencia, Bernalillo and Torrence.

Charles W. Luscher,

State Director.

[FR Doc. 83-16684 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Notice of Receipt of Applications

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Ray Davis, Ingram, TX, PRT 2-10146.

The applicant requests a permit to export one Formosan Sika deer (*Cervus nippon taiouanus*) trophy that was culled from a captive herd at the Patio Ranch, Texas. The culling was performed for enhancing the breeding potential of the remaining deer.

Applicant: Lenious W. McLamb, Dunn, NC, PRT 2-10600.

The applicant requests a permit to purchase captive-bred nene geese (*Branta sandvicensis*) in interstate commerce for enhancement of propagation.

Applicant: Dr. Charles G. Sibley, Peabody Museum of Natural History, New Haven, CT, PRT 2-10622.

The applicant requests a permit to import blood and tissue samples of the plain wanderer (*Pedionomus torquatus*) for scientific research on the taxonomic relation of this species.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Rd., Arlington, Virginia, or by writing to the U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the above address. Please refer to the file number when submitting comments.

Dated: June 17, 1983.

Steve Funderburk,

Chief, Branch of Permits, Federal Wildlife Permit Office.

[FR Doc. 83-16781 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Alaska Outer Continental Shelf; Availability of a Draft Environmental Impact Statement for a Proposed Oil and Gas Lease Offering in the Navarin Basin Region of the Bering Sea

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service (MMS) has prepared a draft environmental impact statement (EIS) relating to a proposed March 1984 Outer Continental Shelf (OCS) oil and gas lease offering in the Navarin Basin off the western coast of Alaska.

Single copies of the draft EIS can be obtained from the Regional Manager, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510.

Copies of the draft EIS will also be available for inspection in the following public libraries: Alaska Federation of Natives, Suite 304, 1577 O Street, Anchorage, AK 99501; Anchor Point Public Library, Anchor Point, AK 99556; Department of the Interior Resources Library, Box 36, 701 C Street, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, Ak 99827; North Star Borough Library, Fairbanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of the Interior, Bureau of Mines Library, AF–F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmusson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

In accordance with 30 CFR 256.26, the MMS will hold public hearings in order to receive comments and suggestions relating to the EIS. The exact locations and dates of these hearings will be announced at a later date. Comments concerning the draft EIS will be accepted until Friday, August 19, 1983, and should be addressed to the Regional Manager, Alaska OCS Region, P.O. Box 1159, Anchorage, Alaska 99510.

Thomas M. Gernhofer,

Acting Director, Minerals Management Service.

Approved:

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83-16756 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-MR-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Tenneco Oil Exploration and Production has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 5366, Block 128, East Cameron Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the Plan and that it is available for public review at the Office of the Regional Manager, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: Minerals Management Service, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: June 14, 1983.

John L. Rankin,

Acting Regional Manager, Gulf of Mexico OCS Region.

[FR Doc. 83-16683 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf Offshore the North Atlantic States; Availability of Draft Environmental Impact Statement Regarding Proposed North Atlantic Oil and Gas Lease Offering of February 1984

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Minerals Management Service (MMS) has prepared a draft environmental impact statement (EIS) relating to a proposed North Atlantic oil and gas lease offering consisting of about 24 million acres of submerged lands on the Outer Continental Shelf (OCS) offshore the North Atlantic States, scheduled for February 1984.

Single copies of the draft EIS can be obtained from the Regional Manager, Atlantic OCS Region, Minerals Management Service, 1951 Kidwell Drive, Suite 602, Vienna, Virginia 22180.

Copies of the draft EIS will also be available for review in the following public libraries:

Ellsworth City Library, 46 State Street, Ellsworth, ME 04605
Portland Public Library, 619 Congress Street, Portland, ME 04101
Portsmouth Public Library, 8 Islington Street, Portsmouth, NH 03801
Boston Public Library, Copley Square, Boston, MA 02117
Lithgow Library, 1 Winthrop Street, Augusta, ME 04330
Concord Public Library, 45 Green Street, Concord, NH 03301
Christian Science Monitor, 1 Norway Street, Boston, MA 02115
Russel Memorial Library, 11 North Street, Plymouth, MA 02360
Provincetown Public Library, 33 Commercial Street, Provincetown, MA 02657
Falmouth Public Library, Main Street, Falmouth, MA 02540
Edgartown Free Public Library, North Water Street, P.O. Box 36, Edgartown, MA 02537
Providence Public Library, 150 Empire Street, Providence, RI 02903
Public Library of New London, 63 Huntington Street, New London, CT 06320
New Haven Free Public Library, 133 Elm Street, New Haven, CT 06510
New York Public Library, 5th Avenue & 42nd Street, New York, NY 10018
Suffolk Cooperative Library System, 627 North Sunrise Service Road, P.O. Box 1872, Bellport, NY 11713
Albany Public Library, Harmans Bleecker Bldg., 19 Dove Street, Albany, NY 12210

Atlantic City Free Public Library, Illinois & Pacific Avenues, Atlantic City, NJ 08401
Wilmington Institute Free Library and Newcastle County Free Library, 10th & Market Streets, Wilmington, DE 19801
Free Library of Philadelphia, Logan Circle, Philadelphia, PA 19141
Hyannis Public Library, 401 Main Street, Hyannis, MA 02601
Fall River Public Library, 104 North Main Street, Fall River, MA 02720
Newport Public Library, Aquidneck Park, Newport, RI 02840
Hartford Public Library, 500 Main Street, Hartford, CT 06103
Cross' Mills Public Library, Old Post, Charleston, RI 02813
Bridgeport Public Library, 925 Broad, Bridgeport, CT 06603
Riverhead Free Library, 330 Court Street, Riverhead, NY 11901
Nassau Library System, Reference Division, 900 Jerusalem Avenue, Uniondale, NY 11553
New Jersey State Library, P.O. Box 1898, Trenton, NJ 08625
Long Branch Public Library, 328 Broadway, Long Branch, NJ 07740
Rehoboth Beach Public Library, Municipal Center, Rehoboth Avenue, Rehoboth Beach, DE 19971

In accordance with 30 CFR 256.26, a public hearing will be held during the first week of August 1983, for the purpose of receiving comments and suggestions relating to the draft EIS. The exact location and date of this hearing will be announced at a later date. Comments concerning the EIS will be accepted until August 9, 1983, and should be sent to the Regional Manager, Atlantic OCS Region, Minerals Management Service, at the above address. After a public hearing is held and comments are received and considered, a final EIS will be prepared.

Dave Russell,

Acting Director, Minerals Management Service.

Approved: June 15, 1983.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 83-16757 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Sleeping Bear Dunes National Lakeshore; Revised Boundary Map

AGENCY: National Park Service, Interior.

ACTION: Notice of revised boundary map.

SUMMARY: The boundary of Sleeping Bear Dunes National Lakeshore was recently changed by the Act of October 22, 1982, 96 Stat. 1723, 16 U.S.C. 460x-11, that added two new areas. The new areas are described as Miller Hill, approximately 600 acres, and Bow Lakes, approximately 975 acres.

The revised boundary map includes a minor correction by showing an 80-acre parcel of park land, previously shown outside the boundary line, within the lakeshore boundary. Boundary map number MWR 634–80, 013B is the official map of the lakeshore boundary.

Copies of the revised map are on file and available for inspection at the following addresses:

Director, National Park Service, Department of the Interior, Washington, D.C. 20240
Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102
Superintendent, Sleeping Bear Dunes National Lakeshore, 400 Main Street, Frankfort, Michigan 49635

Dated: June 8, 1983.

James L. Ryan,

Regional Director, Midwest Region.

[FR Doc. 83-16715 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-70-M

National Register of Historic Places

The 15-day commenting period for the following property nominated to the National Register of Historic Places is being waived in order to assist in the property's preservation. Expeditious listing of this property will insure that a project to develop the educational and interpretive potential of this site may proceed under the provisions of the Emergency Jobs Act of 1983 (Pub. L. 98.8).

SOUTH DAKOTA

Minnehaha County

Sioux Falls, *Orpheum Theatre*, 315 N. Phillips Ave.

Carol D. Shull,

Chief of Registration, National Register.

[FR Doc. 83-16714 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-70-M

Office of the Secretary

Advisory Council on Historic Preservation; SES Performance Review Board

AGENCY: Department of the Interior.

ACTION: Notice of SES Performance Review Board appointments.

SUMMARY: This notice provides the names of those individuals who have been appointed by the Chairman of the Advisory Council on Historic Preservation to serve as members of the SES Performance Review Board.

Pursuant to the Memorandum of Understanding between the Advisory Council and the Department of the Interior, the SES Performance Appraisal Plan for the Department has been adopted for use by the Council. The Performance Review Board will review the appraisal, award, and bonus recommendations for the SES members of the Council staff, and recommend final action to the Chairman. This notice is processed on behalf of the Advisory Council, as required by 5 U.S.C. 4314(c)(4).

DATE: These appointments are effective on March 1, 1983.

FOR FURTHER INFORMATION CONTACT: Mary D. Ellis, Personnel Officer, Office of the Secretary (PMO–P), Department of the Interior, Washington, D.C. 20240, Telephone number: 343–6702.

The names of the members of the SES Performance Review Board are:

Bruce Blanchard (Career), Director, Office of Environmental Project Review, Department of the Interior
Mr. Richard H. Broun (Career), Director, Office of Environmental Quality, Department of Housing and Urban Development
Mr. Lawrence F. Kramer (Non-Federal), Member, Advisory Council on Historic Preservation

Dated: March 24, 1983.

Joseph E. Doddridge, Jr.,

Acting Principal Deputy Assistant Secretary—Policy, Budget and Administration.

[FR Doc. 83-16650 Filed 6-21-83; 8:45 am]

BILLING CODE 4310-10-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

[Redelegation of Authority No. 23.3; Revised]

Director, Office of Food for Peace, Bureau for Food for Peace and Voluntary Assistance

Pursuant to the authority delegated to me by Delegation of Authority No. 23 dated July 8, 1981 (46 FR 37823 and 37824) as amended, Delegation of Authority No. 69 dated July 8, 1981 (46 FR 37823 and 37824) as amended and Delegation of Authority No. 95 (Revised) dated July 8, 1981 (46 FR 37823 and 37824), I hereby redelegate to the Director, Office of Food for Peace, all of the authorities, regarding coordination of the Food for Peace Program, delegated to me by the above-mentioned

Delegations of Authority Nos. 23, 69, and 95 as amended and revised.

The authorities redelegated herein may be redelegated successively and may be exercised by persons who are performing the functions of the designated officers in an acting capacity.

Actions heretofore taken by the official designated herein are hereby ratified and confirmed.

This Redelegation of Authority supersedes Redelegation of Authority No. 23.3 of June 9, 1978 (43 FR 27628).

This Redelegation shall become effective immediately.

Dated: June 14, 1983.

Julia Chang Bloch,

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[FR Doc. 83-16677 Filed 6-21-83; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-116 and 117 (Final)]

Carton-Closing Staples and Nonautomatic Carton-Closing Staple Machines From Sweden

AGENCY: International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

EFFECTIVE DATE: June 2, 1983.

SUMMARY: As a result of affirmative preliminary determinations by the U.S. Department of Commerce that there is a reasonable basis to believe or suspect that imports from Sweden of carton-closing staples and nonautomatic carton-closing staple machines, provided for in items 646.20 and 662.20, respectively, of the Tariff Schedules of the United States, are being, or are likely to be, sold in the United States at less than fair value (LTFV) within the meaning of section 731 of the Tariff Act of 1930 (19 U.S.C. 1673), the United States International Trade Commission hereby gives notice of the institution of investigations Nos. 731-TA-116 and 117 (Final) under section 735(b) of the act (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise. Unless the investigations are extended, the Department of Commerce will make its final dumping determinations in the cases on or before August 9, 1983, and the Commission will make its final injury determinations by September 29, 1983 (19 CFR 207.25).

FOR FURTHER INFORMATION CONTACT: Ms. Miriam Bishop (202-523-0291), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background. On January 25, 1983, the Commission determined, on the basis of the information developed during the course of its preliminary investigations, that there was a reasonable indication that an industry in the United States was materially injured or threatened with material injury by reason of allegedly LTFV imports of carton-closing staples and nonautomatic carton-closing staple machines from Sweden. The preliminary investigations were instituted in response to a petition filed on December 17, 1982, by International Staple and Machine Co., a producer of carton-closing staples and nonautomatic carton-closing staple machines.

Participation in the investigations. Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's Rules of Practice and Procedure (19 CFR 201.11) not later than 21 days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who shall determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Upon the expiration of the period for filing entries of appearance, the Secretary shall prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations, pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)). Each document filed by a party to these investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service (19 CFR 201.16(c), as amended by 47 FR 33682, Aug. 4, 1982).

Staff report. A public version of the staff report containing prelimninary findings of fact in these investigations will be placed in the public record on July 29, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing. The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m. on August 11, 1983, at the U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on July 29, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on August 4, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is August 8, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on August 18, 1983.

Written submission. As mentioned, parties to these investigations may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject to the investigations on or before August 18, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with section 201.8 of the Commission's rule (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rule (19 CFR 201.6).

For further inforrmation concerning the conduct of the investigations, hearing procedures, and rules of general applications, consult the Commission's Rule of Practice and Procedure, part 207, subparts A and C (19 CFR Part 207, as amended by 47 CFR 33682, Aug. 4, 1982), and Part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20)

Issued: June 15, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16763 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-151]

Certain Apparatus for Flow Injection Analysis and Components Thereof; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission, finding it in the public interest to investigate alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), occurring in the importation or sale of cetain apparatus for flow injection analysis and components thereof, hereby orders the institution of an investigation on its initiative pursuant to section 337 based on a complaint alleging that unfair methods of competition and unfair acts exist in the importation of certain apparatus for flow injection analysis and components thereof into the United States, or in their sale, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States..

Authority. The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in §210.10(b) of the Commission's Rules of Practice and Procedure (19 CFR 210.10(b)).

Scope of Investigation: (1) The unfair methods of competition and unfair acts alleged in the complaint are (1) direct infringement of claims 1–6, (2) contributory infringement of claims 1–8, and (3) induced infringement of claims 1–8 of U.S. Letters Patent 4,013,413, owned by the United States (as represented by the Secretary of Agriculture), in the importation of certain apparatus for flow injection analysis and components thereof into the United States, or in their sale, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The investigation has been instituted pursuant to subsection (b) of section 337 to determine whether there is a violation of subsection (a) of that section and, if a violation exists, to determine whether relief under subsection (d) or (f) of that section is appropriate.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The following respondents are alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Perstorp AB, Box 5000, S–28400 Perstorp, Sweden.

Pernovo, Perstorp New business Development AB, Box 5000, S–28400 Perstorp, Sweden

Bifok AB, Malmvagen 28, Box 124, S–19122 Sollentuna, Sweden

Tecator AB, Box 70, S–26301 Hoganas, Sweden

Pernovo, Perstorp New Business Development Inc., 716 Union Bank Plaza, 15233 Ventura Blvd., Sherman Oaks, Calif. 91403

Tecator Inc., 2814 Tower View Road, P.O. Box 405, Herndon, Va. 22070.

(b) Ralph Elsas-Patrick, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Room 125, Wahington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presideing officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely respose to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, telephone 202–523–0471.

FOR FURTHER INFORMATION CONTACT: Ralph Elsas-Patrick, Esq., Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202–523–0440.

Issued: June 16, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16768 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-138]

Certain Automatic Turret Rewinders; Commission Decision Not to Review Initial Determination Granting Motion To Terminate Investigation With Prejudice

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 2) to terminate the above-captioned investigation with prejudice. Accordingly, as of June 17, 1983, the initial determination become the Commission's determination with respect to this matter. Termination of the investigation was granted in response to a joint motion to terminate filed by the complainant and respondents in this investigation (Motion No. 138–1).

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983: to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: On May 2, 1983, complainant, Compensating Tension Controls, Inc., and respondents, IMC America, Inc., IMC Trading B.V., and Arabin GmbH, filed a joint motion to terminate this investigation under §210.51(a) of the Commission's rules (19 CFR 210.51(a)). The Commission

investigative attorney responded by supporting the motion but with the proviso that the investigation be terminated with prejudice. Pursuant to § 210.53(h) of the Commission's rules, an initial determination of the presiding officer under § 210.53(c) becomes the determination of the Commission thirty (30) days from the date of service, unless the Commission orders review of the initial determination.

Having examined the record in this investigation, including Motion No. 138–1, the response thereto, and the initial determination of the presiding officer, the Commission found no grounds for review of the initial determination.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary; U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Carol McCue Verratti, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0079.

Issued: June 14, 1983.

By order of the Commission.

Kenneth R. Mason

Secretary.

[FR Doc. 84-16765 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Household Merchandising, Inc.

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 15, 1982.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

Issued: June 15, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16762 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Ann & Hope Incorporated.

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 17, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written Comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436, no later than 10 days after publication of this notice in the **Federal Register**. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202–523–0176.

Issued: June 17, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16772 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-141]

Certain Copper-Clad Stainless Steel Cookware; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Montgomery Ward & Company.

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 17, 1983.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary of 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.

Issued: June 17, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–16773 Filed 6–21–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–128]

In the Matter of Certain Cupric Hydroxide Formulated Fungicides and Cupric Hydroxide Preparations Used in the Formulation Thereof; Commission Decision not to Review Initial Determination

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination terminating Occidental Chemical Corp. and Josef Thywissen as respondents in the above-captioned investigation. Accordingly, as of June 13, 1983, the initial determination became the Commission's determination with respect to this matter.

AUTHORITY: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, 48 FR 20225 (May 5, 1983); to be codified at 19 CFR. 210.53(c) and (h).

SUPPLEMENTARY INFORMATION: On April 22, 1983, complainant Kocide Chemical Corp. moved to terminate the Commission's investigation with respect to Occidental Chemical Corp. and Josef Thywissen (Motion No. 128–34). On May 11, 1983, the presiding officer granted Motion No. 128–34 and terminated Occidental and Thywissen as respondents in the above-captioned investigation.

Pursuant to § 210.53(h)(2), an initial determination of the presiding officer under § 210.53(c) becomes the determination of the Commission thirty days from the date of service, unless the Commission orders review of the initial determination.

Having examined the record in this investigation, including Motion No. 128–34, the papers filed in connection therewith, and the initial determination of the presiding officer, the Commission found no grounds for review of the initial determination.

Copies of the Commission's action and order and all other non-confidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0359.

Issued: June 13, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83–16760 Filed 6–21–83; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–137]

Certain Heavy-Duty Staple Gun Tackers; Joinder of Respondents

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 7) to amend the complaint and the notice of investigation by joining Moss Manufacturing, Inc., Quinn Products, Inc., and Tab Merchandise Corp. as parties in the above-captioned investigation. Notice is further given that the Commission has ordered that the complaint be served on Moss Manufacturing, Inc., Quinn Products, Inc., and Tab Merchandise Corp., and that they respond thereto within twenty (20) days.

Authority: Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and §§ 210.53(c) and 210.53(h) of the Commission's Rules of Practice and Procedure (47 FR 25134, June 10, 1982, and 48 FR 20225, May 5, 1983; to be codified at 19 CFR 210.53(c) and (h)).

SUPPLEMENTARY INFORMATION: On April 28, 1983, complainant Arrow Fastener Co., Inc. (Arrow), filed a motion (Motion No. 137–3) to amend the complaint and notice of investigation by adding Moss Manufacturing, Inc. (Moss), Quinn Products, Inc. (Quinn), and Tab Merchandise Corp. (Tab) as parties respondent. During discovery it was found that Moss, Quinn, and Tab are allegedly engaged in the unfair act of infringement of Arrow's common law trademark under section 43(a) of the Lanham Act in the heavy-duty staple gun tacker. Moss and Quinn are further alleged to be engaged in the unfair act of passing off. The motion was unopposed. On May 10, 1983, the presiding officer issued an initial determination granting Motion No. 137–3. Under § 210.54(a) of the Commission's rules, the deadline for filing petitions for review of the initial determination expired on May 23, 1983. No petitions for review were filed. No comments were received from other Federal agencies.

Copies of the presiding officer's initial determination and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jane Albrecht, Esq., Office of the General Counsel, U.S. International

Trade Commission, telephone 202–523–1627.

Issued: June 13, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16750 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-54B]

Certain Multicellular Plastic Film; Order

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Janet D. Saxon as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: June 14, 1983.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 83-16764 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-140]

Certain Personal Computers and Components Thereof; Commission Review of Initial Determination and Amendment of Notice of Investigation

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has, on its own motion, reviewed an initial determination of the presiding officer granting a motion to amend the notice of investigation in the above-referenced investigation. Upon review, the Commission has determined to amend the notice of investigation as follows:

(1) At page 2, paragraph (1), line 10, delete the second "and", and insert "or";

(2) At page 2, paragraph (1), line 11, delete "(d) misappropriation of trade dress" and insert "(d) simulation of trade dress, trademark infringement, misappropriation of a property right, or passing off."

Authority: The authority for the Commission's disposition of this matter is contained in Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 201.4(b), 210.22, and 210.53–57 of the Commission's Rules of Practice and Procedure (19 CFR 201.4(b), 210.22, 210.53–57).

SUPPLEMENTARY INFORMATION: The initial determination was issued on May 11, 1983, granting the motion of complainant Apple Computer Inc. to amend the notice of investigation. The original notice of investigation was published in the **Federal Register** on March 9, 1983. 48 FR 9970. The Commission, on its own motion, reviewed and modified the language in the initial determination amending the notice of investigation.

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are vailable for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Wayne W. Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0480.

Issued: June 13, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16761 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-145]

Certain Rotary Wheel Printers; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Ricoh Company Ltd.

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 initital determination in this matter was served upon the parties on June 15, 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.

Issued: June 15, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16766 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-133]

Certain Vertical Milling Machines and Parts, Attachments, and Accessories Thereto; Commission Decision not to Review an Initial Determination and Issuance of Consent Order Terminating the Investigation With Respect to Republic Machinery Co., Inc.

AGENCY: International Trade Commission.

ACTION: Notice is hereby given that the Commission has determined not to review the presiding officer's initial determination (Order No. 21) granting a joint motion by complainant Textron, Inc., respondent Republic Machinery Co., Inc. (Republic), and the Commission investigative attorney to terminate the above-captioned investigation with respect to Republic based on a consent order agreement. Furthermore, after considering the effect of this consent order agreement upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, the Commission has determined to issue the consent order terminating the above-

referenced investigation with respect to Republic.

Authority: The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in §§ 210.53(c), 210.53(h), 211.20, and 211.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.53 (c) and (h) and §§ 211.20 and 211.21).

SUPPLEMENTARY INFORMATION: On May 16, 1983, the presiding officer issued an initial determination granting the joint motion of complainant Textron, Inc., respondent Republic, and the Commission investigative attorney to terminate the investigation with respect to this respondent on the basis of a consent order agreement. Under § 210.54(b) of the Commission's rules, the deadline for filing petitions for review expired on May 27, 1983. No petitions were filed.

The Commission has determined not to review this initial determination and issue the consent order which provides the basis for termination of the investigation with respect to Republic.

The consent order allows Republic to continue importing and selling vertival milling machines specified in the consent order. The consent order prohibits use of the phrase "quill master" or any colorable imitation of that phrase when referring to vertival milling machines or parts, attachments, and accessories thereof which are not manufactured by Textron, Inc. These provisions regarding alleged unfair acts will not adversely affect the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles, or the U.S. consumer. Republic can sell and advertise its products through other permissible means.

Copies of the Commission's Action and Order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Catherine R. Field, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0375–

Issued: June 15, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16769 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731–TA–134 and 135 (Preliminary)]

Color Television Receivers From the Republic of Korea and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission determines, pursuant to section 733 (a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured or is threatened with material injury [2] by reason of imports from the Republic of Korea (Korea) (investigation No. 731–TA–134 (Preliminary)) and Taiwan (investigation No. 731–TA–135 (Preliminary)) of color television receivers, privided for in items 685.11 and 685.14 of the Tariff Schedules of the United States, which are alleged to be sold, or likely to be sold, in the United States at less than fair value (LTFV).

Background

On May 2, 1983, petitions were filed with the Commission and the Department of Commerce by counsel on behalf of the Industrial Union Department (AFL–CIO), the Independent Radionic Workers of America, the International Brotherhood of Electrical Workers, the International Union of Electrical, Radio and Machine Workers, and the Committee to Preserve American Color Television (COMPACT) alleging that an industry in the United States is suffering material injury and is threatened with further material injury by reason of imports from Korea and Taiwan of color television receivers which are being sold in the United States at LTFV. Accordingly, effective May 2, 1983, the Commission instituted preliminary antidumping investigations under Section 733(a) of the Act (19 U.S.C 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of such merchandise from Korea and Taiwan.

On May 19, 1983, the Commission was advised by counsel for the petitioners that COMPACT was withdrawing as a petitioner in the above investigations because of questions regarding its standing as an interested party under 19 U.S.C 1677(9) (Supp. III 1979). The four labor organizations previously cited, however, remained as petitioners. Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** of May 11, 1983 (48 FR 21210). The conference was held in Washington, D.C., on May 26, 1983, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on June 16, 1983. A public version of the Commission's report, Color Television Receivers from the Republic of Korea and Taiwan (investigations Nos. 731–TA–134 and 134 (Preliminary), USITC Publication 1396, 1983) contains the views of the Commission and information developed during the investigations.

Issued: June 16, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16770 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigation Nos. 701–TA–201 (Preliminary) and 731–TA–133 (Preliminary)]

Forged Undercarriage Components From Italy

Determinations

On the basis of the record [1] developed in countervailing duty investigation No. 701–TA–201 (Preliminary) on forged undercarriage components from Italy, the Commission determines, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), that there is a reasonable indication of material injury [2] by reason of imports of semifinished [3] forged undercarriage

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Commissioner Haggart determines that there is a reasonable indication that an industry in the United States is materially injuryed by reason of allegedly LTFV imports of color television receivers from Korea and Taiwan.

[1] The record is defined in § 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(i)).

[2] Commissioner Stern dissenting.

[3] For purposes of these investigations, the term "semifinished" means forged articles not assembled and not machined to final dimensions and tempered, whether or not otherwise processed.

links and rollers, provided for in item 664.08, 692.34, or 692.35 of the Tariff Schedules of the United States (TSUS), which are alleged to be subsidized by the Government of Italy.[4]

The Commission further determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded,[5] by reason of imports of semifinished forged undercarriage segments and finished forged undercarriage links, segments, and rollers, [6] provided for in item 664.08, 692.34, or 692.35 of the Tariff Schedules of the United States (TSUS), which are alleged to be subsidized by the Government of Italy.

On the basis of the record developed in antidumping investigation No. 733–TA–133 (Preliminary) on forged undercarriage components from Italy, the Commission determines, pursuant to section 733(a) of the Act (19 U.S.C. 1673b(a)), that there is a reasonable indication of material injury [7] by reason of imports of semifinished forged undercarriage links and rollers, provided for in item 664.08, 692.34, or 692.35 of the Tariff Schedules of the United States (TSUS), which are alleged to be sold in the Uniterd States at less than fair value.[8]

The Commission further determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, and that the establishment of an industry in the United States is not materially retarded,[9] by reason of imports of semifinished forged undercarriage segments and finished forged undercarriage links, segments, and rollers,[10] provided for in item 664.08, 692.34, or 692.35 of the Tariff Schedules of the United States (TSUS), which are alleged to be sold in the United States at less than fair value.

Background

On April 29, 1983, counsel for Jernberg Forgings Co., Lindell Drop Forge Co., Portec, Inc., Presrite Corp., Presrite of Jefferson, Inc., Walco Metal Forming Group, and Walker Forge Inc. filed a petition with the U.S. International Trade Commission and with the Department of Commerce alleging that in industry in the United States is materially injured, or is threatened with material injury, by reason of imports from Italy of forged undercarriage components upon which bounties or grants are alleged to be paid and which are allegedly being sold at less than fair value. Accordingly, the Commission instituted preliminary investigations under sections 703(a) and 733(a), respectively, of the Act (19 U.S.C. 1671b(a) and 1673b(a)).

Notice of the institution of the Commission's investigations and of a conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the **Federal Register** on May 11, 1983 (48 FR 21211). The conference was held in Washington, D.C. on May 24, 1983, and all persons who requested the opportunity were permitted to appear in person or represented by counsel.

The Commission transmitted its report on the investigations to the Secretary of Commerce on June 13, 1983. The public version of the Commission's report, *Forged Undercarriage Components from Italy*, (investigations Nos. 701–TA–201 (Preliminary) and 731–TA–133 (Preliminary), USITC Publication 1394, 1983), contains the views of the Commission and the information developed during the investigations.

Issued: June 13, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16758 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[4] Commissioner Haggart determines that there is a reasonable indication that: (1) an industry is materially injured by reason of imports of forged undercarriage links; (2) an industry is materially injured by reason of imports of forged undercarriage segements; and (3) an industry is materially inured by reason of imports of forged undercarriage rollers from Italy.

[5] Commissioner Haggart dissenting.

[6] Commissioner Stern finds no reasonable indication of material injury or threat of material injury to an industry in the United States, or material retardation of the establishment of an industry in the United States, by reason of imports of semifinished or finished forged undercarriage components from Italy.

[7] Commissioner Stern dissenting.

[8] Commissioner Haggart determines that there is a reasonable indication that: (1) An industry is materially injured by reason of imports of forged undercarriage links; (2) an industry is materially injured by reason of imports of forged undercarriage segments; and (3) an industry is materially injured by reason of imports of forged undercarriage rollers from Italy.

[9] Commissioner Haggart dissenting.

[10] Commissioner Stern finds no reasonable indication of material injury or threat of material injury to an industry in the United States, or material retardation of the establishment of an industry in the United States, by reason of imports of semifinished or finished forged undercarriage components from Italy.

[Investigation No. 731-TA-96 (Final)]

Nitrocellulose From France

AGENCY: International Trade Commission.

ACTION: Change in the date for the hearing to be held in connection with the subject investigation.

EFFECTIVE DATE: June 15, 1983.

SUMMARY: The Unmited States International Trade Commission hereby gives notice that the date of the public hearing to be held in connection with the subject investigation is changed from June 24, 1983, to June 27, 1983. The hearing will begin at 10:00 a.m. on that date and will be held in the Commission's Hearing Room, located at 701 E Street, NW., Washington, D.C. Information concerning participation in the hearing is contained in the Commission's original notice of investigation (48 FR 23490, May 25, 1983).

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Supervisory Investigator (202–523–0242), Office of Investigations, U.S. International Trade Commission.

Issued: June 16, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16771 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

[Investigations Nos. 731-TA-108 and 109 (Final)]

Portland Hydraulic Cement From Australia and Japan

AGENCY: International Trade Commission.

ACTION: Rescheduling of the hearing to be held in connection with the subject investigations.

EFFECTIVE DATE: June 13, 1983.

SUMMARY: The Commission hereby announces the rescheduling of the hearing to be held in connection with these investigations from 10:00 a.m. on July 19, 1983, to 10:00 a.m. on September 12, 1983. The hearing will be held in Los Angeles, Calif., at a site to be announced at a later date.

FOR FURTHER INFORMATION CONTACT: Ms. Judith C. Zeck (202–523–0339), Office of Investigations, U.S. International Trade Commission.

SUPPLEMENTARY INFORMATION:

Background

On May 19, 1983, the Commission instituted these final antidumping

investigations involving portland hydraulic cement from Australia and Japan and scheduled a hearing to be held in connection with the investigations for July 19, 1983 (48 FR 24799, June 2, 1983). Subsequently, on June 1, 1983, the Department of Commerce extended the date for its final determinations in the investigations from July 5, 1983, to September 6, 1983. The Commission, therefore, is revising its schedule in the investigations to conform with Commerce's new schedule. Pursuant to section 735(b)(2)(B) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(2)(B)), the Commission must make its final determinations within 45 days of Commerce's final determinations, or in this case by October 20, 1983.

Staff Report

A public version of the staff report containing preliminary findings of fact in these investigations will be placed in the public record on August 26, 1983, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The hearing in connection with these investigations will begin at 10:00 a.m., on September 12, 1983, in Los Angeles, Calif., at a place to be announced. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on August 19, 1983. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m., on August 25, 1983, in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is September 6, 1983.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23, as amended by 47 FR 33682, Aug. 4, 1982). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 (19 CFR 207.22, as amended by 47 FR 33682, Aug. 4, 1982). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on September 20, 1983.

Written Submissions

As mentioned, parties to these investigations may file prehearing and posthearing briefs by the dates shown above. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before September 20, 1983. A signed original and fourteen (14) true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired shall be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

For further information concerning the conduct of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and C (19 CFR Part 207, as amended by 47 FR 33682, Aug. 4, 1982), and Part 201, subparts A through E (19 CFR Part 201, as amended by 47 FR 33682, Aug. 4, 1982).

This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

Issued: June 14, 1983.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 83-16767 Filed 6-21-83; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

Motor Carriers: Approved Exemptions

AGENCY: Interstate Commerce Commission.

ACTION: Notices of approved exemptions.

SUMMARY: The motor carriers shown below have been granted exemptions pursuant to 49 U.S.C. 11343(e), and the Commission's regulations in Ex Parte No. 400 (Sub-No. 1), *Procedures for Handling Exemptions Filed by Motor Carriers of Property Under 49 U.S.C. 1343*, 367 I.C.C. 113 (1982), 47 FR 53303 (November 24, 1982.

DATES: The exemptions will be effective on July 22, 1983. Petitions for reconsideration must be filed by July 12, 1983. Petitions for stay must be filed by July 5, 1983.

FOR FURTHER INFORMATION CONTACT: Warren C. Wood (202) 275-7977.

SUPPLEMENTARY INFORMATION: For further information, see the decision(s) served in the proceeding(s) listed below. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW, Washington, DC 20423; or call (202) 289-4357 in the DC metropolitan area; or (800) 424-5403 Toll-free outside the DC area.

By the Commission, Division 1, Commissioners Andre, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC-F-15169, Jack Link Truck Line, Inc., purchase exemption, Sawyer Transport, Inc. (Nathan Yorke, Trustee-in-Bankruptcy), and Warsaw Trucking Co., Inc. (Nathan Yorke, Trustee-in-Bankruptcy).

ADDRESSES: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Carl L. Steiner, 135 South LaSalle St., Chicago, IL 60603. Pleadings should refer to No. MC-F-15169. Decided: June 13, 1983. Under 49 U.S.C 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C 11343(a)(2), the purchase by Jack Link Truck Line, Inc., of a portion of the operating rights of, (1) Sawyer Transport, Inc. (Sawyer), i.e. Certificate No. MC-123407 and Certificate Nos. MC 123407 Sub-Nos. 668X (Paragraphs 95a and b, 124, 194a and b, 263, 276, 300, 15a, b, and c, 35, 296, 284, 329, 233, 4, 40, 85, 106, 137, 299, and 327), 184, 260, 387, 500F, 521F, 583F, 37, 67, 575F, 544, 649F, 453F, 663, 670 77, 166, 215, 280, 582F, and 646F, authorizing generally the transportation of pulp, paper, and related products, and food and related products, between points in specified counties, on the one hand, and on the other, specified States; and (2) Sawyer's subsidiary, Warsaw Trucking Co., Inc., i.e. Certificate No. MC-123294 (paragraphs 2 and 16) and Certificate Nos. MC-12394 Sub-Nos. 91X (Paragraphs 8, 19, 26a and b, 40, 43, 47, 49, 51, 54, 56a, and b, 60, and 2), 9, 20,

44F, 51F, 66F, 70F, 73F, 79F, 81F, 82F, 87F, and 90 authorizing generally the transportation of pulp, paper, and related products, between points in specified counties or cities, on the one hand, and, on the other, points in specified cities or States; and general commodities (with exceptions), between points in nine States; restricted to the transportation of traffic originating at or destined to the facilities of named shipper.

MC–15197, Bobby Kitchens, Inc., Purchase exemption (portion) Rhett Butler Trucking, Inc. Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Fred W. Johnson, Jr., P.O. Box 1291, Jackson, MS 39205. Pleadings should refer to No. MC–F–15197. Decided: June 13, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(2), the purchase by Bobby Kitchens, Inc. (MC–147494), of the portion of the operating rights of Rhett Butler Trucking, Inc., contained in Certificate No. MC–152056 (Sub-No. 5), which authorized the transportation of general commodities (except classes A and B explosives, household goods, and commodities in bulk), between points in the United States (except Alaska and Hawaii), on the one hand, and, on the other, those points in the United States in and west of Michigan, Indiana, Kentucky, Tennessee, Georgia, and Florida (except Alaska and Hawaii).

By the Commission, Division 2, Commissioners Gradison, Taylor, and Sterrett. Commissioner Taylor is assigned to this Division for the purpose of resolving tie votes. Since there was no tie in this matter, Commissioner Taylor did not participate.

MC–F–15188, Sun Freightways, Inc., Purchase exemption, Spector Red Ball, Inc. (Debtor-in-Possession). Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408. Comments should refer to No. MC–F–15128. Decided: June 15, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a), the purchase by Sun Freightways, Inc., (Sun) (MC–144897), of a portion of the operating rights of Spector Red Ball, Inc., (Spector), i.e. Certificate No. MC–2229 (Sub-Nos. 81, 87, 88, 102, 104, 105, 110, 141, 179, 182, 197F, 203, 207F, 216F, and 278), which collectively authorize the regular-route motor common carrier transportation of general commodities from and to various points and States located primarily west of the Mississippi River.

MC–F–15198, IVL Corporation, Continuance in control exemption, A World Wide Moving, Inc. Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, DC 20423, and (2) Petitioner's representative: Marshall Kragen, 1919 Pennsylvania Avenue, N.W., Suite 300, Washington, DC 20006. Pleadings should refer to No. MC–F–15198. Decided: June 15, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(5), the continuance in control by Arthur Morrissette Sr., Arthur Morrissette Jr., Kenneth Morrissette, Donald Morrissette, IVL Corp., and Interstate Van Lines, of A World Wide Moving, Inc., upon the latter becoming a carrier, as well as the continuing control by the Morrissettes and IVL of Ace Van & Storage, Inc.

MC–F–15210, Whitfield Associated Transport, Inc., Control Exemption, Tanco Distributing Company, Inc. Addresses: Send pleadings to: (1) Motor Section, Room 2139, Interstate Commerce Commission, Washington, D.C. 20423, and (2) Petitioner's representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767. Pleadings should refer to No. MC–F–15210. Decided: June 13, 1983. Under 49 U.S.C. 11343(e), the Interstate Commerce Commission exempts from the requirement of prior review and approval under 49 U.S.C. 11343(a)(3), the acquisition, by Whitfield Associated Transport, Inc., of all of the issued and outstanding stock of Tanco Distributing Company, Inc.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–16652 Filed 6–21–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Finance Applications; Decision Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsideration; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1181.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 20 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

Please direct status inquiries to Team 2, (202) 275–7030.

Volume No. OP2–FC–270

MC–FC–81438. By decision of June 14, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181 Review Board Members Krock, Joyce, and Fortier approved the transfer to LOMBARDI EXPRESS, INC., Wethersfield, CT, of Cert. MC–162872, issued January 28, 1983, to ACTION AIR FREIGHT SYSTEMS, INC., Windsor Locks, CT, authorizing transportation of general commodities (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between points in CT, MA, and RI, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, OH, WV, DE, MD, VA, and DC. An application for temporary authority has been filed. Transferee is an authorized motor carrier holding authority under MC–162287. Representative: Gerald A. Joseloff, 410 Asylum St., Hartford, CT 06103.

MC–FC–81500. By decision of June 14, 1983 issued under 49 U.S.C. 10926 and the transfer rules of 49 CFR Part 1181,

Review Board Members Dowell, Joyce, and Krock approved the transfer to transferee T.R.N. TRANSPORTATION, INC., Berkely, IL, of Certificate of Registration MC–121242 Sub 1, issued January 29, 1964, to LONGFELLOW CARTAGE, INC., Chicago, IL, authorizing transporting paper stock and printed matter, chemicals, packaged and crated freight, between points within a fifty (50) mile radius of 4135A West 60th St., Chicago, IL, on the one hand, and, on the other, points in IL; Restricted against the transportation of commercial papers; documents and written instruments as are used in the conduct and operation of banks and banking institutions; radioactive pharmaceuticals; isotopes and related products; exposed and processed film; flowers; auditing and accounting media and business papers used or processed in the business of data processing centers as input or output of computers; and chemicals in bulk; Further Restricted against the transportation of: precious metals; jewelry; precious stones; monies; legal tender; stocks and bonds; checks and other negotiable and non-negotiable instruments; securities; opium; postage and revenue stamps; and other valuable documents, papers, and properties of unusual or intrinsic value; such as are commonly carried in armored vehicles. Representative: Philip A. Lee, 120 W. Madison St., Chicago, IL 60602.

Please direct status inquiries about the following to Team 4 at (202) 275–7669.

Volume No. OP4–FC–373

MC–FC–81062. By decision of June 14, 1983, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1161, Review Board Members Carleton, Joyce and Krock approved the transfer to NAKANO WAREHOUSE & TRANSPORTATION CORP., Compton, CA of Certificate No. MC–121197 (Sub-No. 2), issued January 17, 1983, to NAKANO EXPRESS SERVICE, INC., Compton, CA, authorizing the transportation of general commodities (except classes A and B explosives), between points in CA. Former Review Board Number 3, approved an earlier decision to transfer to Nakano Warehouse & Transportation Corp., a Certificate of Registration in No. MC–121197 (Sub-No. 1), which wa published in the **Federal Register** issue of January 12, 1983. Representative: Denny D. Chen, 624 S. Grand Ave., #2600, Los Angeles, CA 90017, (213) 689–1300, for applicants.

Please direct status inquiries about the following to Team 5 at (202) 275–7289.

Volume No. OF5–FC–292

MC–FC–81446. By decision of June 14, 1983 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1161, Review Board Members Carleton, Dowell, and Williams approved the transfer to A.T.I. ENTERPRISES, LTD., d.b.a. ASCHE TRANSFER of Shannon, IL of Certificate No. MC 37398 and Subs 2, 3, and 5 issued September 18, 1974, August 23, 1973, October 5, 1973, and July 20, 1982, respectively, to JOHN J. BOYCE TRANSPORTATION, INC., of Hammonton, NJ, authorizing the transportation (I) over regular routes, of *packinghouse products and by-products*, and *commodities* used in the display and sale thereof, between Atlantic City, NJ, and Philadelphia, PA, serving the intermediate and off-route points of Pleasantville, Absecon, Egg Harbor City, and Hammonton, NJ: (a) from Atlantic City over U.S. Hwy 30, via Absecon, NJ, to Philadelphia, and return over the same route, and (b) from Atlantic City over U.S. Hwy 40 to Pleasantville, NJ, then over U.S. Hwy 9 to junction U.S. Hwy 30, and then over U.S. Hwy 30 to Philadelphia, and return over the same route; and (II) over irregular routes, of (1) *food and food products, packing house products and by-products*, from points in the New York, NY commercial zone as defined by the Commission, to Atlantic City, NJ, (2) *such general merchandise* as is dealt in by wholesale and retail grocery and food business houses, when moving to or from the stores, warehouses, or other facilities of wholesale or retail food business houses, from Philadelphia, PA, to Atlantic City, NJ, and (3) *food and related products* (except in bulk), between points in the U.S. (except AK and HI). Applicant has authority pending with the Commssion in MC 167535. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 83–16654 Filed 6–21–83; 8:45 am]
BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

Motor Common and Contract Carriers of Property (except fitness-only); Motor Common Carriers of Passengers (public interest); Freight Forwarders; Water Carriers; Household Goods Brokers. The following applications for motor common or contract carriers of property, water carriage, freight forwarders, and household goods brokers are governed by Subpart A of Part 1160 of the Commission's General Rules of Practice. See 49 CFR Part 1160, Subpart A, published in the **Federal Register** on November 1, 1982, at 47 FR 49583, which redesignated the regulations at 49 CFR 1100.251, published in the **Federal Register** December 31, 1980. For compliance procedures, see 49 CFR 1160.19. Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart B.

The following applications for motor common carriage of passengers, filed on or after November 19, 1982, are governed by Subpart D of 49 CFR Part 1160, published in the **Federal Register** on November 24, 1982 at 47 FR 53271. For compliance procedures, see 49 CFR Part 1160.86. Carriers operating pursuant to an intrastate certificate also must comply with 49 U.S.C. 10922(c)(2)E). Persons wishing to oppose an application must follow the rules under 49 CFR Part 1160, Subpart E. In addition to fitness grounds, these applications may be opposed on the grounds that the transportation to be authorized is not consistent with the public interest.

Applicant's representative is required to mail a copy of an application, including all supporting evidence, within three days of a request and upon payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the aplications 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 invoving duly noted probelms (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 preliminiary 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, responsvie 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 oposition 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 aplicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note: All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract." Applications filed under 49 CFR 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 3 at (202) 275-5223.

Volume No. OP3-259

Decided: June 10, 1983.

By the Commission, Review Board Members Williams, Joyce, and Fortier.

MC 2934 (Sub-153), filed May 20, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 No. Michigan Rd., Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant) (317) 875-1142. Transporting *computer associated products and household goods*, between points in the U.S. (except AK and HI), under continuing contract(s) with Emergency Power Engineering, Inc. of Costa Mesa, CA.

MC 138225 (Sub-15), filed May 25, 1983. Applicant: HEDRICK ASSOCIATES, INC., R. R. 2, Box 1082, Douglas Road, Far Hills, NJ 07931. Representative: William P. Jackson, Jr., 3426 N. Washington Boulevard, P.O. Box 1240, Arlington, VA 22210, (703) 525-4050. Transporting *such commodities* as are dealt in or used by manufacturers of (1) *swimming pools*, (2) *swimming pools spas, parts and accessories*, and (3) *swimming pools machinery*, between points in the U.S. (except AK and HI).

MC 146174 (Sub-12), filed May 23, 1983. Applicant: PD EXPRESS, INC., 817 W. Fifth Ave., Columbus, OH 43212. Representative: David H. Rowe, (same address as applicant), (614) 291-0480. 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 146355 (Sub-4), filed May 23, 1983. Applicant: P-N-J KORNACKER, INC., 3030 West 10th Street, Waukegan, IL 60085. Representative: Albert A. Andrin, 180 North La Salle Street, Chicago, IL 60601, (312) 332-5106. Transporting *beverages*, between points in the U.S. (except AK and HI).

MC 150485 (Sub-2), filed May 23, 1983. Applicant: WESTSPAN HAULING, INC., 8916 South Tacoma Way, Tacoma, WA 98499. Representative: Kenneth R. Mitchell, 2320A Milwaukee Way, Tacoma, WA 98421, (206) 383-3998. Transporting *mobile homes and portable buildings*, between points in AZ, CA, ID, OR, and WA.

MC 156354 (Sub-4), filed May 24, 1983. Applicant: FICEL SALES, INC., 4819 Southwestern Blvd., Hamburg, NY 14075. Representative: Michael A. Wargula, 69 Delaware Ave., Suite 808, Buffalo, NY 14202, (716) 856-2942. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI).

MC 163674 (Sub-1), filed May 23, 1983. Applicant: INLAND COMMERCIAL CO., INC., 2214 4th Ave., So., Seattle, WA 98134. Representative: J. J. Riedinger (same address as applicant), (206) 682-4766. 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 167214 (Sub-1), filed May 24, 1983. Applicant: HAF INCORPORATED, P.O. Box 3043, Wilmington, DE 19804. Representative: Robert J. Gallagher, 1435 G. St., NW, Suite 848, Washington, DC 20005, (202) 628-1642. As a *broker*, in arranging for the transportation of *household goods*, between points in the U.S. (except AK and HI).

Volume No. OP3-265

Decided: June 13, 1983.

By the Commission, Review Board Members Krock, Fortier, and Joyce.

MC 44605 (Sub-63), filed May 27, 1983. Applicant: MILNE TRUCK LINES, INC., 2500 West California Ave., Salt Lake City, UT 84104. Representative: Harry J. Jordan, 1090 Vermont Ave., N.W., Suite 200, Washington, DC 20005, (202) 783-8131. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with General Mills, Inc., and its subsidiaries and divisions.

MC 148554 (Sub-6), filed May 23, 1983. Applicant: WALD TRANSFER & STORAGE CO., P.O. Box 344, Houston, TX 77001. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459, (713) 437-1768. Transporting (1) *building materials*, (2) *lumber and wood products*, (3) *plumbing equipment*, (4) *electrical machinery, equipment or supplies*, (4) *clay, concrete, glass or stone products*, and (5) *restaurant equipment and supplies*, between points in the U.S. (except AK and HI).

MC 151205 (Sub-5), filed May 23, 1983. Applicant: EAST TENNESSEE TRANSPORTATION, INC., P.O. Box 2492, Johnson City, TN 37601. Representative: R. Cameron Rollins (same address as applicant), (813) 447-0430. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in Unicoi, Hawkins, Sullivan, and Greene Counties, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 155595 (Sub-5), filed May 31, 1983. Applicant: WTR TRANSPORTATION, INC., Three Maryland Farms, Suite 300, Brentwood, TN 37207. Representative: D. R. Beeler, P.O. Box 482, Franklin, TN 37064, (615) 790-2510. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S. (except AK and HI), under continuing contract(s) with Ralston Purina Company, of St. Louis, MO.

MC 168024, filed May 26, 1983. Applicant: LOIS C. MYERS, d.b.a. MYERS USED AUTOS & SALVAGE, 11255 South Township Rd., Canby, OR 97013. Representative: Mike Pavlakis, P.O. Box 646, Carson City, NV 89702,

(702) 882–0202. Transporting *used and wrecked vehicles*, between points in OR, WA, NV, and CA.

MC 168335, filed May 26, 1983. Applicant: M C TRUCKING, INC., 22375 Haggerty Rd., Northville, MI 48167. Representative: Martin J. Leavitt, 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167, (313) 349–3980. Transporting *machinery*, between points in OH, NY, PA, IN, IL, WI, MI, KY, WV, and IA. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. 11343(a), or submit an affidavit stating why Commission approval is unnecessary, or submit a petition of exemption to the Secretry's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or petition or proof of filing the application(s) for common control to Team 3, Room 2158.

MC 168345, filed May 27, 1983. Applicant: H & R TRUCKING, INC., P.O. Box 131, SO, St. Paul, MN 55075. Representative: Robert P. Sack, P.O. Box 21–307, Eagan, MN 55121, (612) 452–8770. Transporting *food and related products*, between St. Paul-Minneapolis, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Please direct status inquires about the following to Team 4 at (202) 275–7669.

Volume No. OP4–366

Decided: June 14, 1983

By the Commission, Review Board Members Krock, Dowell, and Carleton.

MC 168537, filed June 8, 1983. Applicant: FRITO-LAY, INC., P.O. Box 35034, Dallas, TX 75235. Representative: Richard O. Battles, 3401 NW 63rd St., Oklahoma City, OK 73116, (405) 840–7578 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 Mercury Marine of Stillwater, OK. Condition: The person or persons who appear to be engaged in common control of applicant and another regulated carrier must either file an application under 49 U.S.C. 11343(A), a petition for exemption under 49 U.S.C. 11343(e) or submit an affidavit indicating whyu such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority, please submit a copy of your filing to Team 4, Room 2410.

Volume No. OP4–368

Decided: June 14, 1983.

By the Commission, Review Board Members Fortier, Williams, and Dowell.

MC 42487 (Sub-1075), filed June 2, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, (503) 226–4692. 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 Caterpillar Tractor Co., of Peoria, IL.

MC 42487 (Sub-1076), filed June 8, 1983. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Dr., Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR 97208, (503) 226–4892. 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 Weslock Division of TRE Corp., of Los Angeles, CA.

MC 48386 (Sub-24), filed June 3, 1983. Applicant: GRAVER TRUCKING, INC., R.D. #7, Box 7655, Stroudsburg, PA 18360. Representative: Raymond Talipski, 121 S. Main St., Taylor, PA 18517, (717) 421–3981. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in NY, NJ, and PA, on the one hand, and, on the other, points in NC, SC, GA, FL, TN, MS, KA, AL, IN, OH, MI, and IL.

MC 107586 (Sub-29), filed May 25, 1983. Applicant: TRAILWAYS BUS SYSTEM, INC., 1500 Jackson St., Dallas, TX 75201. Representative: George W. Hanthorn (same address as applicant), (214) 655–7937. Over regular-routes, transporting *passengers*, between Dallas and Ft. Worth, TX, over Interstate Hwy. 30, 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)(2)(B), over the same route.

MC 121338 (Sub-11), filed May 25, 1983. Applicant: SUPERIOR FAST DRAYAGE, d.b.a. SUPERIOR EXPRESS, 611 N. Mission St., P.O. Box 60100, Los Angeles, CA 90073. Representative: C. Patrick Vinson (same address as applicant), (213) 227–1122. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S.

MC 168486, filed June 6, 1983. Applicant: COLT TRUCK LINES, INC., 104 S. Commercial, Box 570, Temple, OK 73568. Representative: Wilburn L. Williamson, Suite 107, 50 Classen Center, 5101 N. Classen Blvd., Oklahoma City, OK 73118, (405) 848–7946. Transporting *metal and metal products*, between points in KS, OK and TX.

Volume No. OP4–370

Decided: June 15, 1983.

By the Commission, Review Board Members Carleton, Williams, and Fortier.

MC 99986 (Sub-4), filed June 8, 1983. Applicant: BELLEVILLE TRUCK LINE, INC., 7781 Martinsville Rd., Cross Plains, WI 53528. Representative: Richard D. Armstrong, 925 Hyland Dr., Stoughton, WI 53589, (608) 873–8929. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in WI, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MI, MN, MO, OH, NE.

MC 134906 (Sub-14), filed May 25, 1983. Applicant: CAPE AIR FREIGHT, INC., P.O. Box 161 Shawnee Mission, KS 66201. Representative: Kim G. Meyer, P.O. Box 56282, Atlanta, GA 30343, (404) 523–1717. 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 141337 (Sub-2), filed June 9, 1983. Applicant: J.B. Trucking, Inc., 1928 Lakehurst Dr., Olympia, WA 98501.Representative: E. Robert Fristoe, Suite 1, Professional Arts Bldg., Olympia, WA 98501, (206) 357–5566. Transporting *general commodities* (excpet classes A and B explosives, household goods, and commodities in bulk), between points in WA and OR.

MC 165857 (Sub-3), filed June 8, 1983. Applicant: VINER'S, INC., 801 Morton Ave., Box 290, Emerson, IA 51533. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 307–9900. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in the U.S., under continuing contract(s) with Total National Transportation, Inc., of Omaha, NE.

Volume No. OP5–291

Decided: June 14, 1983.

By the Commission, Review Board Members Fortier, Krock, and Carleton.

MC 146999 (Sub-4), filed June 6, 1983. Applicant: RATLIFF TRUCKING CORPORATION, INC., 6816 Devonshire Dr., Canton, MI 48187. Representative: Robert E. McFarland, 2855 Coolidge, Ste. 201A, Troy, MI 48084, (313) 649–6650.

Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in IN, IL, KY, MI, OH, and WI.

MC 148069 (Sub-4), filed May 31, 1983. Applicant: SUSQUEHANNA TRANSIT COMPANY, P.O. Box U, Avis, PA 17721. Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 717–236–9318. Transporting *passengers and their baggage, express, mail and newspapers*, in the same vehicle with passengers, (1) between Williamsport, PA and New York, NY: From Williamsport, PA over U.S. Hwy 15 to junction PA Hwy 254 at or near West Milton, PA, then over PA Hwy 254 to junction PA Hwy 642, then over PA Hwy 642 to junction PA Hwy 54 at or near Mausdale, PA, then over PA Hwy 54 to junction U.S. Hwy 11 at or near Danville, PA, then over U.S. Hwy 11 to junction PA Hwy 93 at or near Berwick, PA, then over PA Hwy 93 via Hazleton to Lehighton, PA and junction with PA Hwy 248, then over PA Hwy 248 to Easton, PA, then over U.S. Hwy 22 via Somerville, NJ, to junction I–78 at or near Newark, NJ then over I–78 to junction I–95 then over I–95 to the junction of I–495 at or near Union City, NJ, then over I–495 to New York, NY and return over the same route; (2) between Williamsport, PA and Interchange 31 to I–80 near McEwensville, PA: From Williamsport, PA over U.S. Hwy 220 to junction PA Hwy 147, then over PA Hwy 147 to junction I–80 at Interchange 31, and return over the same route, (3) between Hazleton, PA and New York, NY: From Hazleton, PA over U.S. 309 to junction I–80, then over I–80 to junction I–280, then over I–280 to junction I–95, then over I–95 to junction I–495, then over I–495 to New York, NY and return over the same route; and (4) between Williamsport, PA and Lehighton, PA: From Williamsport, PA over U.S. Hwy 15 to junction with I–80; then over I–80 to junction PA Hwy 9 (northeast extension-PA Turnpike); then over PA Hwy 9 to junction U.S. Hwy 209; then over U.S. Hwy 209 to Lehighton, PA and return over the same route, serving all intermediate points in (1) through (4) above.

Note.—Applicant seeks to provide regular route service in Interstate or Foreign Commerce and in Intrastate commerce under 49 U.S.C. 10922(c)(2)(B) over the same route.

MC 153648 (Sub-2), filed June 6, 1983. Applicant: S & S TRANSPORT, INC., 1602 Sixth Avenue N., P.O. Box 579, Grand Forks, ND 58201. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108 (701) 237–4223. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in MN and ND, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162138 (Sub-1), filed May 23, 1983. Applicant: AMOS D. WILLIAMS, d.b.a. WILLIAMS PICK-UP & DELIVERY SERVICE, 3517 Iroquois, Detroit, MI 48214. Representative: Robert E. McFarland, 2855 Coolidge, Suite 201A, Troy, MI 48084, (313) 649–6650. Transporting *such commodities* as are used in the manufacture, production, and repair of motor vehicles, between points in MI, IL, IN, KY, NY, and OH.

MC 166229, filed June 3, 1983. Applicant: C. W. SON-SHINE, INC., 66701 Anna Dr., St. Clairsville, OH 43950. Representative: John M. Friedman, P.O. Box 426, Hurricane, WV 25526, (304) 562–3460. Transporting *such commodities* as are dealt in or used by department, discount, or variety stores, between points in WV, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 167479, filed May 31, 1983. Applicant: DARL ALTMAN, d.b.a., ALTMAN TRUCKING, 1207 Albon Rd., Holland, OH 43528. Representative: Jack L. Schiller, 111–56 76th Dr., Forest Hills, NY 11375, 212–263–2078. Transporting *commodities in bulk*, between points in IN, OH and MI, on the one hand, and, on the other, points in IN, KY, MI, OH, PA and WV.

MC 167618, filed June 3, 1983. Applicant: BLUE JAY TRANSPORTATION INC., P.O. Box 773, Marlboro, MA 01752. Representative: David M. Marshall, Sixth Floor, 95 State St., 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, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, RI, NY and NJ.

MC 168479 (A) filed June 6, 1983. Applicant: WILLIAM TERRY MORTON, d.b.a. MORTON TRUCKING, Route 2, Box 193B, Idaho Falls, ID 83401. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208–343–3071. Transporting *chemicals and related products, petroleum products, minerals, coal and coal products*, between points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY.

Note.—Applicant also seeks authority in MC–168479(B) published in the same issue.

Volume No. OP 5–249

Decided: June 14, 1983.

By the Commission, Review Board Members Dowell, Fortier and Krock.

MC 168429, filed June 6, 1983. Applicant: KENNETH E. MANN, d.b.a. K.E.M. TRUCKING, 514 So. 25th St., P.O. Box 213, Blair, NE 68008. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *machinery*, between Omaha, NE, and points in Washington County, NE, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 168488, filed June 6, 1983. Applicant: RAYLOC, DIVISION OF GENUINE PARTS COMPANY, 1020 Huff Rd. N.W., Atlanta, GA 30318. Representative: Hubert Maloney (same address as applicant), 404–351–3716. 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 168499, filed June 6, 1983. Applicant: A A BABCOCK TRANSPORT, INC., 2004 Montgomery St., Fort Worth, TX 76107. Representative: Dan Hoffmeyer, 6218 Cedar Springs, Dallas, TX 75235, 214–350–5656. 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).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83–16653 Filed 6–21–83; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the

service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-270

The following applications were filed in Region 3. Send protests to: ICC, Regional Authority Center, Room 300, 1776 Peachtree Street, N.E., Atlanta, GA 30309.

MC 168592 (Sub-3-1TA), filed June 13, 1983. Applicant: K.T.L. Inc., 4740 126th Ave. N, Clearwater, FL 33520. Representative: Ronald E. Adams, Church Drive, Irwin, PA 15642. *General commodities (except Classes A & B explosives, household goods and commodities in bulk),* between points in the U.S. in and east of MN, IA, MO, OK and TX. Supporting shippers: There are thirteen support statements attached to this application which may be examined at the ICC Regional Office, Atlanta, GA.

MC 59583 (Sub-3-3TA), filed June 10, 1983. Applicant: THE MASON AND DIXON LINES, INC., Highway 11W, Stone Drive, Kingsport, TN 37662. Representative: Kim D. Mann, 1600 Wilson Blvd., Suite 1301, Arlington, VA. 22209. *Contract* carrier: irregular: *general commodities, except commodities in bulk, classes A and B explosives, and household goods as defined by the Commission,* between points in the United States, except AK and HI, under continuing contract(s) with J. C. Penney Company, Inc. of New York, NY. Supporting shipper: J. C. Penney Company, Inc., 1301 Avenue of the Americas, New York, NY 10019.

MC 168580 (Sub-3-1TA), filed June 10, 1983. Applicant: MALCOM B. WADE & GREGORY WADE, d.b.a. M. B. WADE & SON TRUCKING CO., Rt. 5, Box 318-B, Oxford, NC 27565. Representative: Terrell Price, 800 Briar Creek Road, Suite DD-504, Charlotte, NC 28205. *General commodities (except classes A & B explosives, household goods and commodities in bulk)* between Oxford, NC, and Los Angeles, CA, Newark, NJ, Salt Lake City, UT, Denver, CO, Indianapolis, IN, Memphis, TN, and Dallas, TX. Supporting shipper: Max Factor & Co., 1501 Williamsboro Rd., Oxford, NC 27565.

MC 2934 (Sub-3-47TA), filed June 10, 1983. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032 Representative: W. G. Lowry (same as above). *Contract:* irregular; *Household goods,* between points in the U.S. (excluding AK and HI), under continuing contracts with Arco Oil and Gas Company, P.O. Box 2819, Dallas, TX 75221. Supporting Shipper: Arco Oil and Gas Company, P.O. Box 2819, Dallas, TX 75221.

The following applications were fied in region 5. Send protest to: Consumer Assitance Center, Interstate Commerce Commission, 411 West 7th Street, Suite 500, Fort Worth, TX 76102.

MC 61440 (Sub-5-20TA), filed June 9, 1983. Applicant: LEE WAY MOTOR FREIGHT, INC., P.O. Box 12750, Oklahoma City, OK 73157. Representative: Fred Rahal, Jr., Suite 305 Reunion Center, 9 East Fourth St., Tulsa, OK 74103. Contract, Irregular; *General Commodities (except class A & B explosives, HHG's and commodities in bulk,* between points in U.S. (ex AK and HI) under continuing contract with Foremost-McKesson, Inc., San Francisco, CA.

MC 128087 (Sub-5-7TA), filed June 10, 1983. Applicant: JOHN N. JOHN III, INC., P.O. Box 921, Crowley, LA 70526. Representative: William M. John, 1000 West Second Street, Crowley, LA 70526. *Chemicals and related products,* between Union County, AR, Caddo and Bossier Parishes, LA, and Brazoria, Chambers, Galveston, Gregg, Harris and Harrison Counties, TX, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting Shipper: Cross Oil and Refining Company, Smackover, AR.

MC 128878 (Sub-5-2 TA), filed June 9, 1983. Applicant: Service Truck Line, Inc., P.O. Box 5518, Bossier City, LA. 71111. Representative: C. Wade Shemwell (same as above). *Chemicals, In Bulk.* Between the facilities of Vertac, Inc., in Vicksburg, Warren County, MS, and points in the U.S. Supporting shipper: Vertac, Inc., Vicksburg, MS.

MC 152151 (Sub-5-3 TA), filed June 10, 1983. Applicant: United Petroleum Transports, Inc., 4312 S. Georgia Place, Oklahoma City, OK 73129. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Petroleum and Petroleum Products,* between Memphis, TN, on the one hand, and on the other, West Memphis, AR. Supporting shipper: Musket Corporation, Oklahoma City, OK

MC 167315 (Sub-5-2-TA), filed June 10, 1983. Applicant: RICHARD C. SMITH, d.b.a. R. S. LUMBER & GRAIN SALES, P.O. Box 138, Archie, MO. 64725. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Lumber and Wood products,* between Kansas City, MO, on the one hand, and, on the other, points in AR, IA, LA, KS, NE and OK. Supporting shipper: Schutte Lumber Comnpany, Kansas City, MO.

MC 168054 (Sub-5-1-TA), filed June 10, 1983. Applicant: G.M.L.C. ENTERPRISES, INC., P.O. Box 6625, Leawood, KS 66206. Representative: Arthur J. Cerra, P.O. Box 19251, Kansas City, MO 64141. *Paint and Related Products,* between points in MO, KS, IA, IL, OH, TN and MN. Supporting shipper: PPG Industries, Kansas City, MO.

MC 168555 (Sub-5-1TA) filed June 9, 1983. Applicant: MYRON AND PATRICK PETERSON, d.b.a. CAMPSTOOL CATTLE CO., Rural Route 2, Oshkosh, NE 69154. Representative: Lavern R. Holdeman, 1610 South 70th Street, #200, Lincoln, NE 68506. *Such commodities as are used or dealt in by agricultural and farm supply business houses.* Between points in Garden, Deuel, Morrill, Ketih, Arthur and Cheyenne Counties, NE, on the one hand, and, on the other, points in the states of CO, IA, IL, KS, NM, OK, TX, and WY, restricted to traffic moving for the accounts of Panhandle Cooperative Association, Farm and Ranch Fertilizer, Inc., and Va-AR, Ltd., d/b/a Formula Fertilizer. Supporting shippers: Pahhandle Cooperative Assoc., Broadwater, NE Farm and Ranch Fertilizer, Inc., Oshkosh, NE: and Va-Ar, Ltd., Chappel, NE.

MC 168558 (Sub-5-1TA) filed June 9, 1983. Applicant: CIRCLE G DISTRIBUTING CO., INC., 2541 N. Gessner Dr., Houston, TX 77080. Representative: William D. Lynch, P.O. Box 5807, Auston, TX 78763. Contract, Irregular; *Food and related products* between points in the U.S. (except AK and HI) under continuing contract(s) with Lou Ana Foods, Inc., Opelousas, LA; The Grocers Supply Co., Inc., Houston, TX; and, B. F. Trappey's Sons, Inc., New Iberia, LA.

MC 168559 (Sub-5-TA) filed June 9, 1983. Applicant: NOE PENA, d.b.a. PENA BUSLINE, 8001 Chadwick, Houston, TX 77029. Representative: Noe Pena (same as above). Common regular: *Passengers* between Houston, TX and Hidalgo, TX *in charter special operations* via U.S. Highway 59 to

intersection with U.S. Highway 77, then on U.S. Highway 77 to 285, then on 285 to intersection with 281, then over 281 to intersection 83 then on 83 to intersection with 23, then over 23 to Hidalgo, TX and return over same route. Supporting shipper(s): 5.

MC 168581 (Sub-5-1TA), filed June 10, 1983. Applicant: JERE L. MORRISON, d.b.a MORRISON'S TRUCKING, 817 S. Bouziden, Moore, OK 73160. Representative: William P. Parker, 4400 N. Lincoln, Suite 10, Oklahoma City, OK 73105. *Bulk cement and fly ash*, from Foreman, AR and Mt. Pleasant, TX to Seminole, OK. Supporting shipper: Eastern Oilwell Cementing Co., Inc., Seminole, OK.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-16658 Filed 6-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30201]

Rail Carriers; Chesapeake and Ohio Railway Co.; Control—Toledo Terminal Railroad Co.

June 16, 1983.

AGENCY: Interstate Commerce Commission.

ACTION: Application accepted for consideration.

SUMMARY: The Commission is accepting for consideration the application of The Chesapeake and Ohio Railway Company to acquire control of The Toledo Terminal Railroad Company through the acquisition of stock.

DATE: Written comments must be filed by July 20, 1983.

ADDRESS: An original and 10 copies of all statements referring to Finance Docket No. 30201 should be sent to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Lousi 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-16656 Filed 6-21-83; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387; Sub-947]

Seaboard System Railroad, Inc.; Exemption for Contract Tariff, ICC-SBD-C-0006, Supplement 2 (Canned Goods)

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: A provisional exemption is granted under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e), and the above-noted contract tariff may become effective on one day's notice.[1] This exemption may be revoked if protests are filed.

DATES: Protests are due within 15 days of publication in the **Federal Register.**

ADDRESS: An original and 6 copies should be mailed to: Office of the Secretary, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Douglas Galloway, (202) 275-7278.

SUPLEMENTARY INFORMATION: The 30-day notice requirement is not necessary in this instance to carry out the transportation policy of 49 U.S.C. 10101a or to protect shippers from abuse of market power; moreover, the transaction is of limited scope. Therefore, we find that the exemption request meets the requirements of 49 U.S.C. 10505(a) and is granted subject to the following conditions:

This grant neither shall be construed to mean that the Commission has approved the contract for purposes of 49 U.S.C. 10713(e) nor that the Commission is deprived of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to determine its lawfulness.

This action will not significantly affect the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10505.

Decided: June 14, 1983.

By the Commission, the Review Board, Members Fortier, Krock, and Dowell.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 83-16514 Filed 6-21-83; 8:45 am]

BILLING CODE 7035-01-M

[1] **Note.**—Tariff supplements advancing contract's effective date shall refer to this decision for authority. This exemption procedure is no longer necessary after June 27, 1983, see Ex Parte No. 387 (Sub-No. 200), 48 FR 23824, May 27, 1983.

DEPARTMENT OF JUSTICE

Proposed Consent Decree in Action To Require Compliance by Cities Service Company With its NPDES Permit and The Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 27, 1983, a proposed consent decree in *United States* v. *Cities Service Company*, Civil Action No. CV 83-1367, was lodged with the United States District Court for the Western District of Louisiana. The proposed consent decree resolves a lawsuit filed by the United States on behalf of the Environmental Protection Agency against Cities Service Company's oil refinery and petro-chemical complex located at Lake Charles, Louisiana, which alleged violations of its NPDES permit and the Clean Water Act. The Decree provides for actions to bring the facility into compliance with its NPDES permit by December 31, 1984. In addition, Cities Service will pay a penalty for past violations.

The proposed Decree may be examined at the office of the United States Attorney, 3B12 Federal Building, 500 Fannin Street, Shreveport, Louisiana 71101, at the Region VI office of the Environmental Protection Agency, 1201 Elm Street, Dallas, Texas 75270, and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1521, 10th and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check in the amount of $1.00 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

The Department of Justice will receive written comments relating to the proposed Decree for a period of thirty (30) days from the date of this notice. Comments should be directed to the Assistant Attorney General of the Land and Natural Resources Division of the Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, D.C. 20530, and should refer to United States v. Cities Service Company, DOJ Reference #90-5-1-1-1785.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

FR Doc. 83-16680 Filed 6-21-83; 8:45 am]

Proposed Consent Decree in Action for Injunctive Relief and Civil Penalties Under the Resource Conservation and Recovery Act Against Environmental Waste Removal, Inc.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is herey given that on June 7, 1983, a proposed consent decree in *United States of America* v. *Environmental Waste Removal, Inc.*, Civil Action No. 82-291, was lodged with the United States District Court for the District of Connecticut. The proposed consent decree requires environmental Waste Removal, Inc. to remove the entire outdoor waste pile which presently exists at its hazardous waste storage, treatment, and disposal facility in Waterbury, Connecticut by September 30, 1983. Environmental Waste Removal, Inc. must also, by September 30, 1983, remove any oil or other materials stored in tanks at the Waterbury facility containing in excess of 50 parts per million of polychlorinated byphenyls (PCBs). As of the date of the lodging of the proposed consent decree, Environmental Waste Removal, Inc. must otherwise comply with the Resource Conservation and Recovery Act and the Toxic Substances Control Act at the Waterbury facility. The proposed consent decree requires Environmental Waste Removal, Inc. to pay a $40,000 to the United States unless the entire existing outdoor waste pile is removed by July 30, 1983, in which case, the company pays $25,000. Upon compliance with the proposed consent decree, Environmental Waste Removal, Inc. is released from all civil claims the United States may have against the company pursuant to Section 3008 of the Resource Conservation and Recovery Act, 42 U.S.C. § 6928, and Section 15 of the Toxic Substances Control Act, 15 U.S.C. § 2614, up until the date of entry of the consent decree.

The proposed consent decree may be examined at the office of the United States Attorney, District of Connecticut, 270 Orange Street, New Haven, Connecticut 06508; at the Region I office of the United States Environmental Protection Agency, Office of Regional Counsel, 22d Floor, John F. Kennedy Federal Building, Boston, Massachusetts 02203; and at the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1521, 10th and Pennsylvania Avenue, N.W., 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 remit $1.90 ($.10 per page) by check made payable to the United States Treasury with any request for a copy of the proposed consent decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America* v. *Environmetnal Waste Removal, Inc.*, D. Connecticut, Civil Action No. 82-291, D.J. Ref. 90-7-1-154.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-16078 Filed 6-21-83; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree for Violations of the Clean Water Act and NPDES Permit by the City of Roswell, New Mexico at its Sewage Treatment Plant

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on May 31, 1983, a proposed consent decree in *United States* v. *City of Roswell, New Mexico and the State of New Mexico*, Civil Action No. 83-0898-JB was lodged with the United States District Court for the District of New Mexico.

The proposed consent decree requires the City of Roswell to submit for EPA approval a correction plan to bring its sewage treatment plant into compliance with the Clean Water Act, and to implement the plan as approved. In addition, the consent decree requires the defendant to pay penalties.

The Department of Justice will receive, for a period of thirty (30) days from date of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *City of Roswell, New Mexico*, D.J. No. 90-5-1-1-1615.

The proposed consent decree may be examined at the Office of the United States Attorney, District of New Mexico, U.S. Courthouse, Room 12020, 500 Gold Avenue, S.W., Albuquerque, New Mexico 87103, the Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270 and the Environmental Enforcement Section, Land and Natural Resources Division, United States Department of Justice, Room 1521, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. In requesting a copy, please enclose a check or money order in the amount of $1.10 (10 cents per page reproduction charge) payable to the Treasurer of the United States.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 83-16079 Filed 6-21-83; 8:45 am]

BILLING CODE 4410-01-M

Agency Forms Under Review

June 20, 1983.

OMB has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. The list has all the entries grouped into new forms, revisions, or extensions. Each entry contains the following information:

(1) The name and telephone number of the Agency Clearance Officer (from whom a copy of the form and supporting documents is available); (2) The office of the agency issuing this form; (3) The title of the form; (4) The agency form number, if applicable; (5) How often the form must be filled out; (6) Who will be required or asked to report; (7) An estimate of the number of responses; (8) An estimate of the total number of hours needed to fill out the form; (9) An indication of whether Section 3504(H) of Pub. L. 96-511 applies; (10) The name and telephone number of the person or office responsible for OMB review.

Copies of the proposed forms and supporting documents may be obtained from the Agency Clearance Officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the reviewer listed at the end of each entry and to the Agency Clearance Officer. If you anticipate commenting on

a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer and the Agency Clearance Officer of your intent as early as possible.

DEPARTMENT OF JUSTICE

Agency Clearance Officer Larry E. Miesse—202–633–4312

Extension (No Change in Substance or Method of Collection)

- Immigration and Naturalization Service

Department of Justice
Request for Certification of Military or Naval Service
On occasion
Individuals or households
Use to verify the military or naval service claimed by an applicant for naturalization under Sections 328 or 329 of the Immigration and Naturalization Act: 6,000 respondents; 1,000 hours; not applicable under 3504(h)
David Reed—395–7231

Larry E. Miesse,

Department Clearance Officer, Systems Policy Staff, Office of Information Technology, Justice Management Division, Department of Justice.

[FR Doc. 83–16702 Filed 6–21–83; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Service Reimbursable Grants: Fiscal Year 1984 Preapplications for Federal Assistance and Solicitation for Grant Application

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice sets forth the procedures and schedule for the solicitation of applications from State Governors for the Employment Service Reimbursable Grants to carry out special responsibilities, as described in this notice, of the Secretary of Labor authorized under the Immigration and Nationality Act, as amended; the Tax Equity and Fiscal Responsibility Act of 1982; the Job Training Partnership Act; and the Social Security Act, as amended.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Gilliland, Director, United States Employment Service, 601 D Street, N.W., Room 8000, Washington, D.C. 20213, Telephone (202) 376–6289 or the appropriate Employment and Training Administration Regional Office.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration, Department of Labor announces the availability of funds and the schedule for solicitation of grant applications for and the award of funds to implement the program activities described below. These program activities will be funded under the Employment Service Reimbursable Grant. The availability of funds for these activities is dependent upon final Congressional appropriation action.

1. *Labor Certification.* Sections 101(a)(15)(H)(ii) and 212 (a)(14) of the Immigration and Nationality Act, as amended, authorize the appropriation of funds to support activities carried out by the Secretary of Labor to protect jobs of American workers by assuring that their wages and working conditions are not adversely affected by the importation of foreign workers. Regulations at 20 CFR Part 653, Subpart F; Parts 655 and 656 shall apply to labor certification funded activities. In FY 1984, a total of $121,800,000 has been requested to fund labor certification activities (agricultural and non-agricultural).

2. *Housing Inspections.* This service is provided by the States in support of the employment of migrant farmworkers and is provided only in those States in which such need exists. States assist employers in recruiting agricultural workers from places outside of the area of intended employment. Such employers are required to provide no-cost or public housing which meets the Federal standards and which is sufficient to house the number of workers requested. The regulations at 20 CFR Part 654, Subpart E govern the provision of this service. In acordance with these regulations, the State staff must determine through a pre-occupancy inspection that the housing assured by the employer is in fact available and meets appropriate standards. In fiscal year 1984, a total of $280,000 has been requested to fund this activity.

3. *Employment, Wages, and Contributions Report (ES–202).* Under Section 303(a)(6) of the Social Security Act, funds have been requested under the Unemployment Insurance National Activities account to fund States for the preparation of the ES–202 report. The data is needed for: trigger determinations under the Federal-State extended benefit program; workload forecasting and budget estimates; providing benchmarks for National, State, and area current employment series; solvency and experience rating studies of unemployment compensation; sampling frame for the BLS establishment surveys; and for income estimates by county. A total of $12,600,000 is requested for award to States for this activity.

4. *Targeted Jobs Tax Credit (TJTC).* The Tax Equity and Fiscal Responsibility Act of 1982, extended the Targeted Jobs Tax Credit Program. TJTC is designed to aid specifically targeted groups of workers. The Department of Labor, through State Employment Security Agencies (SESAs), is responsible for issuing certifications to employers of eligible target group individuals. The SESAs are specifically identified in the legislation as the "designated local agencies" for issuing certifications for TJTC. The fiscal year 1984 appropriation request is $20 million for TJTC.

Solicitation of Grant Application (SGA) packages will be mailed to all State agencies on or about June 29, 1983. The SGA will contain the guidelines and specifications to which States must adhere in preparing an application.

This publication constitutes formal notice that applications for funds for the activities described in the notice must be hand delivered or posted by registered or certified mail not later than August 15, 1983, to the appropriate ETA Regional Office address listed below:

Region I (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont): Room 1707, J.F. Kennedy Federal Building, Government Center, Boston, MA 02203.

Region II (New York, New Jersey, Puerto Rico and Virgin Islands): Room 3738, 1515 Broadway, New York, NY 10036.

Region III (Delaware, Maryland, Pennsylvania, Virginia, West Virginia and the District of Columbia): P.O Box 8796, Philadelphia, PA 19101 (3535 Market Street. Do not use street address for mailing purposes.)

Region IV (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee): Room 405, 1371 Peachtree Street, N.E., Atlanta, GA 30309.

Region V (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin): 230 S. Dearborn Street, Chicago, IL 60604.

Region VI (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas): Room 317, 555 Griffin Square Building, Griffin and Young Streets, Dallas, TX 75202.

Region VII (Missouri, Kansas, Iowa, and Nebraska): 911 Walnut Street, Kansas City, MO 64106.

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, and

Wyoming): 1961 Stout Street, Denver, CO 80202.

Region IX (Arizona, California, Guam, Hawaii, and Nevada): Box 36084, Federal Office Building, 450 Golden Gate Avenue, San Francisco, CA 94102.

Region X Region (Alaska, Idaho, Oregon, and Washington): Room 1145 Federal Office Building, 909 First Avenue, Seattle, Washington 98174.

States are requested to notify their Regional Office by Preapplication for Federal Assistance, Standard Form 424, no later than June 29, 1983, of their intent to apply for grant funds to conduct the activities announced in this notice.

The SGA will be one of two major segments of the overall grant (ES Reimbursable Grant) to each State for a variety of Employment Service activities. Activities outside the SGA process will form the other segment of the ES Reimbursable Grant; these activities will be negotiated with States through joint National Office/Regional Office efforts. The respective ETA Regional Administrator is the Grant Officer for the ES Reimbursable Grant. It is expected that the Grant Awards will be made on or about September 16, 1983.

Consultation and technical assistance relative to the development of an application under the SGA is available upon request from the appropriate Regional Office or the United States Employment Service, (202) 376-6660.

Signed at Washington, D.C., this 20th day of June 1983.

Richard C. Gilliland,

Director, United States Employment Service.

Edward A. Tomchick,

Grant Officer, Employment and Training Administration.

[FR Doc. 83-16902 Filed 6-22-83; 8:45 am]

BILLING CODE 4510-30-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Joint Subcommittees on Indian Point Units 2 and 3 and Reliability and Probabilistic Assessment; Meeting

The ACRS Joint Subcommittees on Indian Point Units 2 and 3 and Reliability and Probabilistic Assessment will hold a meeting on July 6, 1983, Room 1046, at 1717 H Street, NW., Washington, DC. The Subcommittees will discuss the status of the Indian Point 2 and 3 hearings, the status of the NRC's work on systems interaction, and the status of the NRC Staff Safety Goal Evaluation Plan.

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 Subcommittees, 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.

Wednesday, July 6, 1983—8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding the topics to be discussed.

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 Designated Federal Employee, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: June 16, 1983.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 83-16797 Filed 6-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co., Big Rock Point Plant; Issuance of Director's Decision

By a petition sent in the form of a letter dated May 16, 1983 to the Directors of the Offices of Nuclear Reactor Regulation, Nuclear Material Safety and Safeguards, and Inspection and Enforcement of the Nuclear Regulatory Commission (the Commission) (NRC), Ms. Christa-Maria, Ms. JoAnn Bier, and Mr. Jim Mills requested that the NRC revoke or suspend Consumers Power Company's license to operate the Big Rock Point Plant. The petition has been treated under 10 CFR 2.206 of the Commission's regulation.

The petitioners highlighted statements in Mr. VandeWalle's affidavit dated May 5, 1982. Mr. VandeWalle stated that complete defueling of the reactor at the Big Rock Point Plant would be required during the 1983 refueling outage to perform required inservice inspections. The petitioners also pointed out that inservice inspection of the vessel is currently being performed with complete defueling. Therefore, the petitioners concluded that either Mr. VandeWalle's statements were misrepresentations or the inspections are being improperly performed.

Upon review of information pertaining to the issues and the information provided by Ms. Christa-Maria, Ms. JoAnn Bier, and Mr. Jim Mills, the Director of Nuclear Reactor Regulation has determined that no basis exists for revocation or suspension of Consumers Power Company's license to operate the Big Rock Point Plant. Accordingly, the request of Ms. Christa-Maria, Ms. JoAnn Bier, and Mr. Jim Mills has been denied. The reasons for this denial are explained in the "Director's Decision" under 10 CFR 2.206 (DD-8309), which is available for public inspection in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Local Public Document room for the Big Rock Point Plant, located at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy of the decision will be filed with the Secretary for the Commission's review in acordance with 10 CFR 2.206(c). As provided in this regulation, the decision will become the final action of the Commission twenty-five (25) days after issuance, unless the Commission on its own motion institutes review of the decision within that time.

Dated at Bethesda, Maryland, this 16th day of June 1983.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 83-16798 Filed 6-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers 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 an amendment to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), for operation of the Big Rock Point Plant Located in Charlevoix County, Michigan.

The amendment would permit operation of the Big Rock Point Plant with new Exxon H-3 design fuel assemblies. The new design moves the gadolinia bearing rods closer to the periphery of the assembly and slightly increases the gadolinia (poison for neutron absorption) content of the gadolinia bearing rods. The proposed action would require changes in the limits on Maximum Average Planar Linear Heat Generation Rate (MAPLHGR). The amendment request is supported by analyses which are almost identical to those analyses approved by the Commission for the H-2 fuel design currently in use at Big Rock Point. These changes are in accordance with the licensee's application for amendment dated April 20, 1983, as revised April 22, 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 Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14671, April 6, 1983). One of the examples of actions involving no significant hazards considerations relates to reload amendments involving no fuel assemblies significantly different from those previously found acceptable at the facility in question.

The H-3 fuel assemblies are not significantly different from the H-2 design previously approved for Big Rock Point. The H-3 design moves the gadolinia bearing rods closer to the periphery of the assembly and slightly increases the gadolinia (poison for neutron absorption) content of the gadolinia bearing rods. The licensee's analyses, using calculational methods approved by the Commission for the H-2 fuel design, show that these design changes will not significantly affect the MAPLHGR safety limits.

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 22, 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 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 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, NW, Washington, D.C., by the above date. Were 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 Dennis M. Crutchfield: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of the **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 Judd L. Bacon, Consumers Power Company 212 West Michigan Avenue, Jackson, Michigan 49201, 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, NW., Washington, D.C., and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

Dated at Bethesda, Maryland, this 14 day of June 1983.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 83-16799 Filed 6-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket 50-334, et al.]

Monthly Notice; Amendments to Operating Licenses Involving No Significant Hazards Considerations; Duquesne Light Co. et al.

I. Background

Pursuant to Public Law (Pub. L.) 97–415, the Nuclear Regulatory Commission (the Commission) is publishing its regular monthly notice. Pub. L. 97–415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This monthly notice includes all amendments issued or proposed to be issued since the closing date (May 23, 1983) of the last monthly notice which was published on June 10, 1983 (48 FR 26927–26931), through June 14, 1983.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The Commission has made a proposed determination that the following amendment requests involve 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 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 basis for this proposed determination for each amendment request is shown below.

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 22, 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 immediately 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 before action is taken. 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) 324–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Branch Chief*); 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 the 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 local public document room for the particular facility involved.

- *Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania*

Date of amendment request: November 23, 1982.

Description of amendment request: Application for an amendment to Operating License DPR–66, revising Tables 3.7–4a and 3.7–4b of Appendix A. The revision consists of the addition of 31 mechanical snubbers and the replacement of 3 hydraulic snubbers with mechanical ones. These snubbers were added to enhance safety of the plant—a more conservative design resulting in the increased reliability of the piping system to perform under normal and accident conditions.

Basis for proposed no significant hazard consideration determination: One of the examples of actions involving no significant hazards consideration relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specifications. The proposed amendment adds more snubbers to the surveillance list, and matches Example (ii) provided by the Commission on actions involving no significant hazards (48 FR 14871).

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for the Licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

- *Duquesne Light Company, Docket No. 50–334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania*

Date of amendment request: November 23, 1982.

Description of amendment request: The current Technical Specifications require two licensed Reactor Operators to be on shift during modes 1, 2, 3 and 4. This proposed change would require only one licensed Reactor Operator to be on shift. There is, however, no change to the number of Senior Reactor Operators required for each shift; two Senior Operators are needed for each shift. With this change, a trained but non-licensed individual under the direct supervision of a licensed Senior Reactor Operator could manipulate controls that do not directly affect the reactivity of the reactor. The requested change will be temporary; a rule on staffing will be effective on January 1, 1984. At that time, the Technical Specifications will be changed to comply with the rule.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One example under "significant hazards" involves "a significant relaxation in limiting conditions for operation not accompanied by compensatory changes." However, the substitution of a trained but non-licensed individual provides the compensatory action to allow characterizing this request as involving no signifcant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for the licensee: Gerald Charnoff, Esq., Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

- *Florida Power & Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida*

Date of amendment request: September 5, 1978.

Description of amendment request: This amendment would change the technical specifications relating to the surveillance requirements for the diesel generator units used as the onsite AC power source at St. Lucie Plant, Unit No. 1.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples of actions involving no significant hazards considerations relates to additional limitations, restrictions, or control not presently included in the technical specifications (ii). In the case of this amendment, the staff requested that the technical specifications of St. Lucie Plant, Unit No. 1 be amended to incorporate the requirements of Regulatory Guide 1.108, "Periodic Testing of Diesel Generator Units Used as Onsite Electric Power Systems at Nuclear Power Plants." The changes will lead to enhanced control with respect to the reliable operation of the diesel generators. In response to that request the licensee proposed changes to the technical specifications in their letter of September 5, 1978. The requested changes consist of surveillance requirements concerning verification of generator synchronization and loading and verifying that the diesel generator operates for at least 10 hours. These revised surveillance requirements will provide added assurance that the diesel generator units perform as required in the event of an emergency and, thus, enhance the safety considerations for St. Lucie Plant, Unit No. 1.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

Attorney for licensee: Harold F. Reis, Esq., Lowenstein, Newman, Reis and Axelrad, 1025 Connecticut Avenue, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

- *Indiana and Michigan Electric Company, Docket No. 50-315, Donald C. Cook Nuclear Plant, Unit No. 1*

Date of application for amendment: May 11, 1983.

Description of amendment request: This amendment for the Donald C. Cook Plant, Unit No. 1 involves a core reload and would permit operation with Westinghouse Optimized Fuel Assemblies with up to 4.0 weight percent U-235 and to extended burnups of 39,000 MWT/MWD (average region discharge) in addition to Exxon Fuel during Cycle 8. This requires numerical changes to the Unit 1 Technical Specifications due to use of improved thermal design procedures, annular burnable asemblies and design thermal power of 3411 MWt. Changes are made to reactor trip system setpoints, enthalpy hot channel factors, shutdown margin, rod drop times, hot channel factors and other power distribution limits and axial power distributor limits. There is no request to increase the authorized power of the facility. The changes to the core physics parameters and thermal characteristics are required to account for the increased enrichment and improved neutronic characteristics of the fuel and control assemblies.

Basis for proposed no significant hazards consideration determination: One of the Commission's examples (48 FR 14871) involving no significant hazards relates to fuel reloads amendments involving no fuel assemblies significantly different than those previously found acceptable at the facility in question. This amendment is directly related to that example in that the new fuel is exactly like previous *W* 15 x 15 fuel assemblies except with grid spaces made of a different material with improved neutronics characteristics. The increased enrichment and possible fuel cycle management changes will extend the fuel burnup but to less average discharge burnup than has been approved for Unit 2 and the common spent fuel pool. Reactivity will not be increased in the spent fuel pool above levels previously analyzed and approved. The use of improved thermodynamics calculational procedures and the new annular burnable assemblies will follow NRC approval of the generic reports. The licensee use of these new procedures and burnable assemblies should not result in plant operation outside the limits of acceptable margins of criteria.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for Licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

- *Indiana and Michigan Electric Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2*

Date of application for amendment: March 29, 1982.

Description of amendment request: This amendment would make editorial changes to accurately describe reactor trip system instrumentation and would update the organizational charts and current postition titles, duties, and committee assignments of plant personnel.

Basis for proposed no significant hazards consideration determination: This Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples of actions involving no significant hazards considerations relates to amendments of a purely administrative change to Technical Specifications. The proposed amendment is directly related to this example with the one exception (with technical implications) of the Operations Superintendent not holding an SRO license. The staff has not established the acceptability of this exception to the criteria of TMI Action Plan NUREG-0737, nevertheless, the staff has determined that the application shall not involve a significant hazards since the Superintendent will not control operations of the plant as an SRO but is expected to understand operations to an equivalent level of an SRO. The Operations Superintendent has completed the SRO training and has two qualified managers reporting to him as intermediary managers of the regular plant SROs. Therefore the Operations Superintendent's actions should not create accidents not previously analyzed and should not reduce the levels of safety found acceptable for the plant.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

- *Indiana and Michigan Electric Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan*

Date of application for amendment: August 14, 1981.

Description of amendment request: The amendment would change the

Technical Specifications to be consistent with the upgraded administrative controls required by IE Bulletin 80-12 to ensure that redundant methods of decay heat removal are available during all modes of operation. Redundancy is provided by the license requirements for operability and surveillance requirements of existig systems in all modes.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of those standards by providing certain examples (48 FR 14871). One of these examples of actions involving no significant hazards considerations relates to changes that constitute an additional limitation, restriction, or control not presently included in the Technical Specifications. This amendment specifically adds additional licensing limitations and restrictions to assure redundant methods of decay heat removal in all modes of operation. The systems to provide the redundancy are existing systems that were previously available but not specifically addressed as redundant systems in the Technical Specifications. Providing the redundancy does not create accidents not previously analyzed and does not lessen the margins of safety of plant operation; it is intended to provide an additional margin by license requirement for operability.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

Attorney for Licensee: Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

Indiana and Michigan Electric Company, Docket Nos. 50-315 and 50-316, Donald C. Cook Nuclear Plant, Unit Nos. 1 and 2, Berrien County, Michigan

Date of application for amendment: September 29, 1982.

Description of amendment request: The amendment would upgrade the Technical Specifications by requiring redundant (2) containment hydrogen analyzers to satisfy the requirements of TMI Action Item II.F.1.6 of NUREG 0737. The current Technical Specifications require one hydrogen analyzer and one gas chromatograph.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14871). One of the examples of actions involving no significant hazards considerations relates to a change that constitutes an additional limitation, restriction, or control not presently included in the Technical Specification. This amendment relates directly to the example in that the redundant hydrogen analyzer is an additional limitation for operation.

Local Public Document Room location: Maude Reston Palenske Memorial Library, 500 Market Street, ST. Joseph, Michigan 49085.

Attorney for Licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Steven A. Varga.

- *Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit 1, Washington County, Nebraska*

Date of amendment request: March 21, 1978 and March 30, 1979.

Description of amendment request: Revises the TSs to provide additional assurance that plant operators conform with dose design objectives of Appendix I to 10 CFR Part 50 and to provide clarification of certain monitoring and surveillance requirements.

Basis for proposed no significant hazards consideration determination: The proposed amendment is an example of an amendment that is considered not likely to involve significant hazards considerations such that the changes constitute additional limitations, restrictions, or controls not presently in the technical specifications (Example (ii), 48 FR 14870, April 6, 1983).

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska.

Attorney for licensee: Leboeuf, Lamb, Leiby, and MacRae, 1333, New Hampshire Avenue, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

- *Omaha Public Power District, Docket No. 50-285, Fort Calhoun Station, Unit 1, Washington County, Nebraska*

Date of amendment request: January 7, 1983.

Description of amendment request: Revises the TSs to include more formal administrative requirements on limiting overtime and reporting of safety valve and relief valve failures and challenges.

Basis for proposed no significant hazards consideration determination: The two requirements are currently addressed by plant procedures. The requirements will now be more formalized in TSs. The amendment is an example of an amendment that is considered not likely to involve significant hazards consideration such that the change constitutes a purely administrative change to the technical specification (48 FR 14870, April 6, 1983, Example (i)).

Local Public Document Room location: W. Dale Clark Library, 215 South 15th Street, Omaha, Nebraska.

Attorney for licensee: LeBoeuf, Lamb, Leiby, and MacRae, 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

- *Portland General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon*

Date of amendment request: March 30, 1983.

Description of amendment request: The amendment would add new requirements for operability, visual inspections and periodic testing of mechanical snubbers to ensure that these devices are operable. Snubbers are attached to piping and equipment to provide restraint during a seismic or other event which initiates dynamic loads, yet allow slow motion such as that produced by thermal expansion. The amendment would also make minor revisions to the requirements for testing and inspection of hydraulic snubbers, such as including large-capacity snubbers (which can now be tested) in the functional test program, and more clearly defining the acceptance criteria for visual inspection and functional testing.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning the application of the standards for determining whether license amendments involve no significant hazards considerations by providing certain examples which were published in the **Federal Register** on April 6, 1983 (48 FR 14870). One of the examples of actions involving no significant hazards consideration is a change that constitutes an additional limitation, restriction, or control not presently included in the technical specifications; for example, a more stringent surveillance requirement. The amendment request, discussed above, fits this example. On this basis, the Commission proposes to determine that the amendment involves no significant hazards consideration.

Local Public Document Room location: Multnomah County Library, 801 S.W. 10th Avenue, Portland, Oregon.

Attorney for licensee: J. W. Durham, Senior Vice President, Portland General Electric Company, 121 S.W. Salmon Street, Portland, Oregon 97204.

NRC Branch Chief: Robert A. Clark.

- *Public Service Co. of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado*

Date of amendment request: March 23, 1983.

Description of amendment request: The amendment would revise and update those Technical Specification requirements dealing with radiological effluents. The application was submitted in response to an NRC request to incorporate present staff positions to ensure compliance with 10 CFR 50, Appendix I.

Basis for proposed no significant hazards consideration determination: The Commission has provided guidance concerning these application of the standards by providing certain examples (48 FR 14870). The examples of actions involving no significant hazards include changes that constitute additional limitations not presently included in the Technical Specifications and that make the license conform to changes in the regulations. Since the proposed changes add requirements and ensure compliance with the regulations in accordance with staff positions, the staff proposes to determine that the application does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for licensee: Bryant O'Donnell, Public Service Co. of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: G. L. Madsen.

- *Public Service Co. of Colorado, Docket No. 50-267, Fort St. Vrain Nuclear Generating Station, Platteville, Colorado*

Date of amendment request: May 20, 1983.

Description of amendment request: The amendment would replace the existing non-radiological Environmental Technical Specifications (Appendix B) with an NRC-approved Environmental Protection Plan (EPP). The only requirement being changed relates to ecological monitoring; the EPP will require continued vegetation monitoring. The EPP was submitted at NRC request in accordance with the existing Technical Specification discussion which indicates that the ecological monitoring program is intended to be flexible and subject to revision.

Basis for proposed no significant hazards consideration determination: The amendment would revise the non-radiological, ecological monitoring program but would not change any current limitations related to the operation of the facility. Since no operational limitations are being changed, the staff proposes to determine that the amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated, does not create the possibility of a new or different accident from any accident previously evaluated, and does not involve a significant reduction in a margin of safety. The staff, therefore, proposes to determine that the amendment does not involve a significant hazards consideration.

Local Public Document Room location: Greeley Public Library, City Complex Building, Greeley, Colorado.

Attorney for Licensee: Bryant O'Donnell, Public Service Co. of Colorado, P.O. Box 840, Denver, Colorado 80201.

NRC Branch Chief: G. L. Madsen.

- *South Carolina Electric & Gas Company, Docket No. 50-395, Virgil C. Summer Nuclear Station, Jenkinsville, South Carolina*

Date of application for amendment: December 1, 1982.

Description of amendment request: Correction of an error in wording of a license condition relating to fire suppression to accurately reflect plant design.

Basis for proposed no significant hazards consideration determination: The amendment involves a correction of an error in the license. The present wording of the license condition does not accurately reflect plant design with respect to fire suppression.

The Commission has provided guidance concerning the application of these standards by providing certain examples (48 FR 14870). One of the examples of actions likely to involve no significant hazards considerations relates to a purely administrative change to technical specifications such as correction of an error. The correction to the license condition involved in this case in similar. Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

Local Public Document Room location: Fairfield County Library, Garden & Washington Streets, Winnsboro, South Carolina 29180.

Attorney for licensee: Randolph R. Mahan, P.O. Box 764, Columbia, South Carolina 29218.

NRC Branch Chief: Elinor G. Adensam.

- *Arkansas Power & Light, Docket No. 50-368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas*

Date of amendment request: February 23, 1983 and April 18, 1983.

Description of amendment request: Revise the Technical Specifications for administrative corrections and clarification.

Basis for proposed no significant hazards consideration determination: The proposed changes are administrative in nature, i.e., corrections of typographical errors, changes to achieve consistency throughout the Technical Specifications, title changes and reference corrections. The amendment request is similar to example (i) of the examples of amendments that are considered not likely to involve a significant hazards consideration (see example (i) in 48 FR 14870, April 6, 1983).

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801.

Attorney for licensee: Nicholas S. Reynolds, Esq., c/o Debevoise & Liberman, 1200 Seventeenth Street, N.W., Washington, D.C. 20036.

NRC Branch Chief: Robert A. Clark.

Previously Published Notices of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices because time did not allow the Commission to wait for this regular monthly notice. They are repeated here because the monthly notice lists all amendments proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

- *Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan*

Date of amendment request: May 5, 1983.

Description: The proposed change would potentially slightly increase the interval between testing certain components and systems to verify their operability.

Date of publication of individual notice in "Federal Register": June 3, 1983 (48 FR 25026).

Expiration Date of individual notice: July 6, 1983.

Local Public Document Room location: Kalamazoo Public Library, 315

South Rose Street, Kalamazoo, Michigan 49006.

- *Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3, Nuclear Generating Plant, Citrus County, Florida*

Date of amendment request: March 31, 1983.

Brief description of amendment: The proposed amendment relates to the Cycle 5 reload, which has an increased cycle lifetime of 460 effective full power days (EFPD) instead of 350 EFPD in the previous cycle, and involves numerical changes to the regulating rod group insertion limit curves, the axial power shaping rod limit curves, the axial power imbalance envelope, and other related Technical Specification changes.

Date of publication of individual notice in "Federal Register": June 6, 1983, 48 FR 25292.

Expiration date of individual notice: July 7, 1983.

Local Public Document Room Location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida.

- *Florida Power & Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida*

Date of amendment request: February 8, 1983.

Brief description of amendment: Amendment would permit operation of St. Lucie Plant, Unit No. 1 after deletion of the flux augmentation factor curve from the technical specifications.

Date of publication of individual notice in "Federal Register": June 3, 1983, 48 FR 25029.

Expiration date of individual notice: July 6, 1983.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

- *Florida Power & Light Company, Docket No. 50-335, St. Lucie Plant, Unit No. 1, St. Lucie County, Florida*

Date of amendment request: February 16, 1983.

Brief description of amendment: Amendment would permit operation of St. Lucie Plant, Unit No. 1 after installation of an improved and larger capacity 125 volt DC battery system amd making necessary changes to the technical specifications.

Date of publication of individual notice in "Federal Register": June 3, 1983, 48 FR 25027.

Expiration date of individual notice: July 6, 1983.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450.

- *Metropolitan Edison Company, Jersey Central Power & Light Company, Pennsylvania Electric Company, and GPU Nuclear Corporation, Docket No. 50-289, Three Mile Island Nuclear Station, Unit No. 1, Dauphin County, Pennsylvania*

Date of amendment request: May 9, 1983.

Brief description of amendment: The amendment requested would revise the Technical Specifications to recognize steam generator tube repair techniques, other than plugging, provided such techniques are approved by the Commission. The licensees' application further requested that the Commission approve, within the provisions of the proposed Technical Specification revision, the kinetic expansion steam generator tube repair technique used at the facility, thus permitting subsequent operation of the facility with the as-repaired steam generators.

Date of publication of individual notice in "Federal Register": May 31, 1983 (48 FR 24231); Notice of Correction published June 14, 1983 (48 FR 27328).

Expiration date of individual notice: June 30, 1983 (corrected).

Local Public Document Room location: Government Publication Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania.

- *Northeast Nuclear Energy Company, et al., Docket Nos. 50-245 and 50-336, Millstone Nuclear Power Station, Unit Nos. 1 and 2, New London County, Connecticut*

Date of amendment request: February 16, 1983.

Brief description of amendment: The amendments would delete superfluous Appendix B environmental technical specifications relative to meterological monitoring, terrestrial monitoring, and transmission line right-of-way management, in accordance with the licensee's application for amendment dated February 16, 1983.

Date of publication of individual notice in "Federal Register": June 14, 1983, 48 FR 27328.

Expiration date of individual notice: July 14, 1983.

Local Public Document Room location: Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut.

- *Portlant General Electric Company, Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon*

Date of amendment request: May 2, 1983.

Brief description of the amendment: The amendment would permit the continued use of a limited number of fuel assemblies which would have either three stainless steel rods or five stainless steel rods and additional supporting grid straps in lieu of fuel rods.

Date of publication of individual notice in "Federal Register": June 1, 1983, 48 FR 24490.

Expiration date of individual notice: July 1, 1983.

Local Public Document Room location: Multnomah Public Library, 801 S.W. 10th Avenue, Portland, Oregon.

- *Southern California Edison Company, et al., Docket No. 50-361, San Onofre Nuclear Generating Station, Unit 2, San Diego County, California*

Date of application for amendment: January 6, 1983.

Brief description of amendment request: Grant temporary exceptions to the facility Technical Specifications (which presently require immediate corrective action to return at least one reactor coolant loop to operation) to permit natural circulation tests to be performed during the startup test program with no reactor collant loops in operation in accordance with the licensees' application for amendment dated January 6, 1983.

Date of publication of individual notice in "Federal Register": June 7, 1983.

Expiration date of individual notice: July 7, 1983.

Local Public Document Room location: San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Dated at Bethesda, Maryland, this 14th day of June 1983.

For the Nuclear Regulatory Commission.

Robert A. Clark

Chief, Operating Reactor Branch No. 3, Division of Licensing.

[FR Doc. 83-16753 Filed 6-21-83; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-361]

Southern California Edison Co., et al.; 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. NPF-10, issued to Southern California Edison Company, San Diego Gas & Electric Company, the City of Riverside, California and the City of Anaheim,

California (the licensees), for operation of the San Onofre Nuclear Generating Station, Unit 2 located in San Diego County, California.

In accordance with the licensee's request of June 10, 1983, the amendment would grant a delay of approximately 2½ months for those 18-month interval surveillance requirements regarding the reactor protective instrumentation, engineered safety feature actuation system instrumentation and accident monitoring instrumentation which cannot be completed without an extended outage in the intervening period.

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 or 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's proposed determination is based on its finding that a delay in the initial surveillance interval of certain surveillances of about 2½ months (from 22½ to 25 months) is not significant, compared with the 72-month interval that is required for the long-term, equilibrium surveillance cycle. Also, frequent channel checks and functional surveillances will continue to insure operability of the affected instrumentation during the extended initial surveillance interval that would be authorized by the proposed amendment.

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 22, 1983, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any persons 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 of 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, financal, 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, NW., 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 George W. Knighton: 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 Charles R. Kocher, Esq., Southern California Edison Company, 2244 Walnut Grove Avenue, P.O. Box 800, Rosemead, California 91770 and Orrick, Herrington, & Sutcliffe, Attn.: David R. Pigott, Esq., 600 Montgomery Street, San Francisco, California 94111, attorneys for the licensees.

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 dated June 10, 1983 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the San Clemente Library, 242 Avenida Del Mar, San Clemente, California.

Dated at Bethesda, Maryland, this 16th day of June 1983.

For the Nuclear Regulatory Commission.

Victor Nerses,

Acting Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 83-16800 Filed 6-21-83; 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 new guide planned for its Regulatory Guide Series together with a draft of the associated value/impact statement. 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 guide, temporarily identified by its task number, ES 114-4 (which should be mentioned in all correspondence concerning this draft guide), is entitled "Guidelines for Ground-Water Monitoring at In Situ Uranium Solution Mines" and is intended for Division 3, "Fuels and Materials Facilities." It is being developed to provide guidance acceptable to the NRC staff for ground-water monitoring at in situ uranium solution mines.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by August 19, 1983.

Although a time limit is given for comments on these drafts, 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 Silver Spring, Maryland, this 15th day of June 1983.

For the Nuclear Regulatory Commission.

Patricia A. Comella,

Acting Director, Division of Health, Siting, and Waste Management, Office of Nuclear Regulatory Research.

[FR Doc. 83-16754 Filed 6-21-83; 8:45 am]

BILLING CODE 7590-01-M

POSTAL SERVICE

Privacy Act of 1974; Systems of Records

AGENCY: Postal Service.

ACTION: Final Notice of Records System Change.

SUMMARY: The purpose of this document is to publish final notice of a long-standing but heretofore unpublished routine use which appeared for public comment in the **Federal Register** (47 FR 16233) of April 15, 1982.

EFFECTIVE DATE: June 22, 1983.

FOR FURTHER INFORMATION CONTACT: Martha Smith, (202) 245-5568.

SUPPLEMENTARY INFORMATION: On April 15, 1982, the Postal Service published for comment in the **Federal Register** (47 FR 16233) advance notice of the existence of one previously unpublished long-standing routine disclosure practice. No comments were received. The Postal Service has determined it is necessary to publish final notice of the routine use. The routine use is the result of frequent requests from Federal, State, and local government agencies for Postal Service assistance in administering their programs by furnishing name or address information from Postal Service sources. One source for providing this information is rural route records that contain customer's names and addresses. Therefore, final notice of the routine use and the system to which it applies follows:

USPS 010.080

SYSTEM NAME:

Collection and Delivery Records—Rural Carrier Routes.

10. Name and address information may be disclosed to Federal, State, and local government agencies as required by such agencies for the purpose of performing their official duties.

A complete statement of the system as modified appears below.

USPS 010.080

SYSTEM NAME:

Collection and Delivery Records—Rural Carrier Routes, 010.080.

SYSTEM LOCATION:

Post Offices having rural carriers operations; Delivery Services; Department Sectional Centers; Regions; Districts; Postal Data Centers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Postal customers receiving rural mail delivery services, and rural carriers, substitute carriers and flexible employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contained in this system are: Employee workload, work schedule and performance analysis. Inspection reports of employees, workload and workload adjustments, route travel description, employee and examiners' comments on adjustments and inspection. Employee name, route number, age, length of service, physical condition, quality of service and vehicle adequacy. Customer addresses and names of persons at address location (some rural routes only).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 403, 404.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Purpose—To assist management in evaluating rural mail delivery and collection operations and administering these functions efficiently and provide basis for payment of salary and vehicle maintenance allowance carriers.

Use—

1. Provide Bureau of the Census, Department of Commerce address information as requested to assist them in their statutory requirement of census taking.

2. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency whether Federal, State, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto.

3. May be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–10 at any stage of the legislative coordination and clearance process as set forth in that Circular.

4. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. Disclosure may be made from the record of an individual, where pertinent, in any legal proceeding to which the Postal Service is a party before a court or administrative body.

6. Pursuant to the National Labor Relations Act, records from this system may be furnished to a labor organization upon its request when needed by that organization to perform properly its duties as the collective bargaining representative of postal employees in an appropriate bargaining unit.

7. Rural route customer addresses may be disclosed to persons or organizations authorized by a postal regulation to receive address *correction* information. (Advance notice)

8. Information contained in this system of records may be disclosed to an authorized investigator appointed by the Equal Employment Opportunity Commission upon his request, when that investigator is properly engaged in the investigation of a formal complaint of discrimination filed against the U.S. Postal Service under 29 CFR Part 1613 and the contents of the requested record are needed by the investigator in the performance of his duty to investigate a discrimination issue involved in the complaint.

9. Inactive records may be transferred to a GSA Federal Records Center for storage prior to destruction.

10. Name and address information may be disclosed to Federal, State, and local government agencies as required by such agencies for the purpose of performing their official duties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Preprinted forms or lists in ordinary file equipment or on computer tape and printouts.

RETRIEVABILITY:

Records are maintained by name and address of customer, and by route number, employee name or postal facility name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

a. Records in card or list form are maintained as long as the customer resides on the route; they are destroyed by shredding one year after the customer moves. b. Route travel description records, and establishment and discontinuance orders are retained until route is discontinued and then transferred to the Federal Records Center within two years after discontinuance date. c. Trip reports are retained for three years and then disposed of by shredding or burning. d. Route inspection reports and mail count records (mail counts made annually or more frequently) are retained for two years. Where mail counts are made less than annually records are retained until the next mail counts. Disposal of records is by shredding or burning. e. Other carrier records in system are retained for a period of up to one year depending upon the criticality of the information and then destroyed by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

APMG, Delivery Services Department, Headquarters.

NOTIFICATION PROCEDURE:

Customers wishing to know whether information about them is maintained in this system of records should address inquiries to their local postmaster. Inquiries should contain full name and address. Employee inquiries should state employee name and social security number, route number, specify the type of information being requested, and forward to post office where employed.

RECORD ACCESS PROCEDURES:

See **NOTIFICATION** above.

CONTESTING RECORD PROCEDURES:

See **NOTIFICATION** above.

RECORD SOURCE CATEGORIES:

The customer to whom the record pertains and from employees, carrier supervisors and route inspectors.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 83–16747 Filed 6–21–83; 8:45 am]

BILLING CODE 7710–12–M

SECURITIES AND EXCHANGE COMMISSION

June 16, 1983.

Self-Regulatory Organizational; Cincinnati Stock Exchange; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

The above named national securities exchange has filed applications with the Securities Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Dominion Resources, Inc.
Common Stock, No Par Value (File No. 7-6658)
American Israeli Paper Mills Ltd.
Capital Stock, 10 Shekels Par Value (File No. 7-6689)
Atlas Consolidated Mining & Development Corporation
Class B Capital Stock, 10 Pesos Par Value (File No. 7-6690)
R.G. Barry Corporation
Common Stock, $1 Par Value (File No. 7-6691)
Frisch's Restaurants, Inc.
Common Stock, No Par Value (File No. 7-6692)
The Horn & Hardart Company
Common Stock, $1 Par Value (File No. 7-6693)
Imperial Industries, Inc.
Common Stock, $.10 Par Value (File No. 7-6694)
The Lodge & Shipley Company
Common Stock, $1 Par Value (File No. 7-6695)
Marinduque Mining & Industrial Corporation
Class B Captital Stock, 10 Pesos Par Value (File No. 7-6696)
Michigan General Corporation
Common Stock, $1 Par Value (File No. 7-6697)
The Midland Company
Common Stock, No Par Value (File No. 7-6698)
Philippine Long Distance Telephone Co.
Capital Stock, 10 Pesos Par Value (File No. 7-6699)
Russell, Burdsall & Ward Corporation
Common Stock, $1 Par Value (File No. 7-6700)
The Sorg Paper Company
Common Stock, $5 Par Value (File No. 7-6702)
Technicom International, Inc.
Common Stock, $.01 Par Value (File No. 7-6703)
Telesphere International, Inc.
Common Stock, $.01 Par Value (File No. 7-6704)
Bearings, Inc.
Common Stock, No Par Value (File No. 7-6705)
Carlisle Corporation
Common Stock, $1 Par Value (File No. 7-6706)
Harris Corporation
Common Stock, $1 Par Value (File No. 7-6707)
Hillenbrand Industries, Inc.
Common Stock, No Par Value (File No. 7-6708)
Houston Natural Gas Corporation
Common Stock, $1 Par Value (File No. 7-6709)
MCA Inc.
Common Stock, No Par Value (File No. 7-6710)
Palm Beach Incorporated
Common Stock, $.25 Par Value (File No. 7-6711)
Sun Company, Inc.
Common Stock, $1 Par Value (File No. 7-6712)
Crystal Oil Company
Common Stock, $1 Par Value (File No. 7-6713)
Frontier Holding, Inc.
Common Stock, $.50 Par Value (File No. 7-6714)
Ultimate Corp. (The)
Common Stock, No Par Value (File No. 7-6715)
Visa Energy Corporation
Common Stock, $.01 Par Value (File No. 7-6716)
Bausch & Lomb Incorporated
Common Stock, $.40 Par Value (File No. 7-6717)
Colt Industries Incorporation
Common Stock, $1 Par Value (File No. 7-6718)
Cooper Industries Incorporated
Common Stock, $5 Par Value (File No. 7-6719)
Hilton Hotels Corporation
Common Stock, $2.50 Par Value (File No. 7-6720)
Corning Glass Works
Common Stock, $.5 Par Value (File No. 7-6721)
Marriott Corporation
Common Stock, $1 Par Value (File No. 7-6722)
Penn Central Corporation (The)
Common Stock, $1 Par Value (File No. 7-6723)
Pitney Bowes, Inc.
Common Stock, $2 Par Value (File No. 7-6724)
Ryder System, Inc.
Common Stock, $.75 Par Value (File No. 7-6725)
TRW Inc.
Common Stock, $1.25 Par Value (File No. 7-6726)
Dynalectron Corporation
Common Stock, $.10 Par Value (File No. 7-6727)
Air Products & Chemicals, Inc.
Common Stock, $1 Par Value (File No. 7-6728)
Carter Hawley Hale Stores, Inc.
Common Stock, $5 Par Value (File No. 7-6729)
Combustion Engineering, Inc.
Common Stock, $1 Par Value (File No. 7-6730)
EG&G, Inc.
Common Stock, $1 Par Value (File No. 7-6731)
Foster Wheeler Corporation
Common Stock, $1 Par Value (File No. 7-6732)
Hall (Frank B.) & Co.
Common Stock, $.50 Par Value (File No. 7-6733)
Heinz (H.J.) Company
Common Stock, $1.50 Par Value (File No. 7-6734)
Ingersoll-Rand Company
Common Stock, $2 Par Value (File No. 7-6735)
Jim Walter Corporation
Common Stock, $.16⅔ Par Value (File No. 7-6736)
Koppers Company, Inc.
Common Stock, $1.25 Par Value (File No. 7-6737)
Levi Strauss & Co.
Common Stock, $1 Par Value (File No. 7-6738)
Macy (R.H.) Company
Common Stock, $.25 Par Value (File No. 7-6739)
Manville Corporation
Common Stock, $2.50 Par Value (File No. 7-6740)
Owens-Corning Fiberglas Corporation
Common Stock, $1 Par Value (File No. 7-6741)
Pillsbury Corporation (The)
Common Stock, No Par Value (File No. 7-6742)
Quaker Oats Company
Common Stock, $5 Par Value (File No. 7-6743)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 8, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary

[FR Doc. 83-16788 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Midwest Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 16, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Cyprus Corporation
Common Stock, $.30 Par Value (File No. 7-6682)
Dominion Resources, Inc.
Common Stock, No Par Value (File No. 7-6683)
Fairfield Communities, Inc.
Common Stock, $.10 Par Value (File No. 7-6684)
Petroleum Investments, Ltd.
Depositary Units (File No. 7-6685)
Smith International Inc. (Delaware)
Common Stock, $1 Par Value (File No. 7-6686)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 8, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16787 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organization; Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

June 16, 1983.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Smith International, Inc. (Delaware)
Common Stock, $1, Par Value File No. 7-6687)
Bell Canada Enterprises, Inc.
Common Stock, No Par Value File No. 7-6688)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before July 8, 1983 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16789 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-19875; File No. SR PHLX 83-7]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc., Relating to Evaluation of Specialists

Pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b) (1), notice is hereby given that on May 31, 1933, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

1. The Philadelphia Stock Exchange, Inc. ("PHLX") proposes to amend Rules 501, 503 and 504 concerning allocation of securities and evaluation of specialists in order to conform these rules to revised equity and options specialists evaluation questionnaires. The PHLX also proposes to file these revised questionnaires and an Options Floor Broker Business Surey, which is used to determine the eligibility of floor brokers to participate in the evaluation process, pursuant to Section 19(b) (1) of the Securities Exchange Act of 1934 ("Act").

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Since October 1, 1982, the effective date of the PHLX rules relating to the Allocation, Evaluation and Securities Committee ("Committee"), the Committee has revised the single equity and options specialist evaluation questionnaires by dividing them into two questionnaires—one pertaining to an individual specialist's performance and one pertaining to a specialist unit's performance and by refining certain questions by breaking them down into several parts or rewording them for clarity. The Committee has also implemented an Options Floor Broker Business Survey in order to determine the eligibility of options floor brokers to participate in the quarterly options specialist evaluation process. The revised questionnaires and the Options Floor Broker Business Survey have been used in connection with the fourth quarter of 1982 evaluation of options specialists and the first quarter of 1983 evaluation of options and equity specialists.

As requested by the Commission's staff, the PHLX is now filing the above described questionnaires and survey pursuant to Rule 19b-4 of the Act. In addition, the PHLX is also proposing certain clarifying amendments to Rules

501, 503, and 504 in order to reflect the bifurcated specialist evaluation process.

The proposed rule change is consistent with Section 6(b) (5) of the Act which provides, in part, that the rules of an exchange be designed to facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members

No comments on this proposed rule change have been solicited or received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes it reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. copies of such filing will also be available for inspection and Copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted within 21 days after the date of this publication.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: June 15, 1983.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16790 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

[811-2638; Rel. No. 1333]

Alnan, Inc.; Filing of Application Pursuant to Section 8(f) of the Act Declaring That Company Has Ceased To Be an Investment Company

June 16, 1983.

Notice is hereby given that Alnan, Inc. ("Applicant"), (formerly Epko Shoes, Inc.), 505 Jefferson Ave., Suite 815, Toledo, Ohio 43604, registered under the Investment Company Act of 1940 ("Act") as closed-end, non-diversified mangement investment company, filed an application on May 16, 1983, pursuant to Section 8(f) of the Act, for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act.

The application states that Applicant was organized under the laws of Nevada. Applicant's predecessor, Epko Shoes, Inc., filed a notification of registration on Form N-8A under the Act and registration statement of Form N-8B-1 under the Act in 1976. The application states that when Epko Shoes, Inc., was merged into Applicant there was no subsequent registration of Applicant under the Act, but merely continuing amendments to the foregoing registration.

According to the application, Applicant's Board of Directors approved a Plan of Complete Liquidation and Dissolution ("Plan") of Applicant on November 1, 1982, and recommended that the Plan be approved and adopted by Applicant's securityholders. At a meeting held on November 22, 1982, Applicant's securityholders approved the Plan. On January 6, 1983, the Board of Directors determined January 19, 1983, as the date on which Applicant would cease doing active business, wind up its affairs, liquidate and distribute its assets to its securityholders.

Applicant states that the liquidation of its assets was effected by the sale of its portfolio securities on national exchange between November 10, 1982, and December 9, 1982, for a net amount of $774,214, which represented $7.14 for each of Applicant's shares of stock outstanding. Shareholders were advised that May, 2, 1983, was fixed as the date by which their share certificates were to be surrendered to receive the liquidating dividend. It is represented that, as of that date, 106,215 shares,or 97.97 percent of the outstanding shares, were surrendered and payment therefor made in the amount of $758,375.10.

Cash in the amount of $28,458.76 has been retained by Applicant for payment of shares not yet surrendered, unclaimed dividends, cost of liquidation, and the payment of other known obligations. Sixty-three securityholders had not received their distribution at the time of the filing of the application. Funds to which they are entitled will be retained by Applicant in an escrow commerical account in first Interstate Bank of Nevada, Las Vegas, Nevada, Subject at all times to payment therefrom to the securityholder as they surrender their shares and payment of expenses of liquidation and deregistration under the Act. Following the expiration of such period of time as it provided by the Uniform Disposition of Unclaimed Property Act of the State of Nevada, the remaining funds will be transferred to the Departmentr of Commerce of the State of Nevada for preservation and ultimate distribution by that Department pursuant to the Uniform Disposition of Unclaimed Property Act.

Applicant states that is not not now engaged and does not propose to engage in any business activity other than is necessary for winding up its affairs. It further states that a certificate of the filing by Applicant of Certificate of Dissolution was issued by the Sectetary of the State of Nevada on April 5, 1983.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is furhter given that any interested person wishing to request a hearing on the application may, not later than July 11, 1983, at 5:30 pm., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above.

Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16793 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

[812-5515; Rel. No. 13334]

Bankers National Series Trust; Filing of Appication for Order of Exemption

June 16, 1983.

Notice is hereby given that Bankers National Series Trust ("Applicant"), 1599 Littleton Road, Parsippany, NJ 07054, a business trust organized under the laws of the Commonwealth of Massachusetts and registered as an open-end, diversified, management investment company under the Investment Company Act of 1940 ("Act"), filed an application of March 30, 1983, and an amendment thereto on June 2, 1983, for an order of the Commission pursuant to Section 6(c) of the Act exempting Applicant from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value the assets held in its BNL Money Market Portfolio ("Money Portfolio") using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of the provisions from which Applicant seeks to be exempted.

Applicant states that the investment objective of the Money Portfolio is to seek current income consistent with stability of principal. The Money Portfolio pursues this investment objective by investing in a portfolio of money market instruments maturing in twelve months or less from the date of purchase. Applicant represents that the dollar-weighted average maturity of all of the portfolio securities of the Money Portfolio will be 120 days or less. Applicant asserts that the maturity or an instrument in the Money Portfolio shall be determined in accordance with the provisions of Proposed Rule 2a–7 (Investment Company Act Release No. 12206, February 1, 1982) or if the rule should ultimately be adopted, in accordance with the provisions of the rule as adopted. When the Money Portfolio enters into a reverse repurchase or firm commitment agreement it will maintain in a segregated account (not with a broker), beginning on the date such an agreement is entered into, liquid assets equal in value to the amount due on the settlement date under the agreement, in accordance with Investment Company Act Release No. 10666 (April 18, 1979).

The money market instruments in which the Money Portfolio may invest, include the following: (1) obligations issued or guaranteed by the United States Government, including United States Treasury Bills; (2) instruments of financial institutions, banks and savings and loan associations that at the time of investment have capital, surplus and undivided profits in excess of $100,000,000 unless the principal amount of the instrument is fully insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; (3) repurchase agreements; and (4) commercial paper rated A–1 or A–2 By Standard & Poor's Corporation, Prime–1 or Prime–2 by Moody's Investors Service, Inc., or F–1 by Fitch Investors Service.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes or persons, securities or transactions, from any provision or provisions of the Act or of any rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the relief reguested, Applicant states that in order to attract and retain investors it must maintain a stable net asset value and a constant and steady flow of investment income. Applicant believes that it can provide these qualities by valuing the assets of the Money Portfolio on the basis of amortized cost. Applicant believes that, given the nature of its policies and operations, there will be a relatively negligible discrepancy between the market value and the amortized cost value of the portfolio securities of the Money Portfolio. Applicant further represents that its Board of Trustees has determined in good faith that, absent unusual or extraordinary circumstances, the amortized cost method of valuation of portfolio instruments is appropriate and preferable for the Money Portfolio and represents fair value of its portfolio securities.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's Board of Trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and the investment objectives of the Money Portfolio, to stabilize the Money Portfolio's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Trustees shall be the following:

a. Review by the Board of Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the Money Portfolio's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review. To fulfill this condition, Applicant states that the Money Portfolio intends to use actual quotations or estimates of market value reflecting current market conditions chosen by Applicant's Board of Trustees in the exercise of its discretion to be appropriate indicators of value, which may include, *inter alia*, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

b. In the event such deviation from the Money Portfolio's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

c. Where the Board of Trustees believes that the extent of any deviation from the Money Portfolio's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include:

redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average portfolio maturity of the Money Portfolio; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Money Portfolio will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset vaule per share; provided, however, that the Money Portfolio will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days. In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant states that the Money Portfolio will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

4. The Money Portfolio will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Trustee's meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. The Money Portfolio will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Trustees determine present minimal credit risks, and which are of high quality as determined by any major rating service or, in the case of any instrument that is not rated, are of comparable quality as determined by the Board of Trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter with respect to the Money Portfolio, and, if any action was taken, Applicant will decribe that nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16794 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

[811-3281; Rel. No. 13335]

The Connecticut Money Fund; Filing of Application for an Order Pursuant to Section 8(f) of the Act Declaring that Company Has Ceased To Be an Investment Company

June 16, 1983.

Notice is hereby given that The Connecticut Money Fund ("Applicant"), Six Central Row; Hartford, Connecticut 06103, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company, filed an application on April 6, 1983, for an order of the Commission, pursuant to Section 8(f) of the Act and Rule 8f–1 therender, declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant represents that it is organized as a Massachusetts business trust under the laws of the commonwealth of Massachusetts. On September 30, 1981, it is stated, its initial capital was provided through the purchase of 100,000 of Applicant's shares of beneficial interest in consideration of the payment of $100,000 by The Advest Group, Inc. ("Advest Group"), the parent company of Applicant's investment adviser, Advest Cash Management Advisors, Inc., and its principal underwriter, Advest, Inc.

Applicant further states that on October 2, 1981, it filed a registration statement on Form N–1 under the Securities Act of 1933 ("Securities Act") covering an indefinite number of its shares of beneficial interest, and that it became registered under the Act on October 8, 1981 by filing a Form N–8A Notification of Registration. It is further stated, however, that Applicant's Securities Act registration statement was never declared effective, and that no public offering of Applicant's securities was ever commenced.

Applicant further represents that, on December 29, 1982, a distribution of Applicant's assets in the amount of $115,516.31, representing all of Applicant's assets as of such date, was made to the Advest Group, Applicant's sole shareholder, in redemption at net asset value of 115,516.31 shares then held by the Advest Group. Applicant states, in addition, that it has retained, and at present has, no assets, that it has no remaining debts or other liabilities outstanding, and that it has no securityholders. Applicant further states that it is not party to any litigation or administrative proceeding, and that it is not now engaged, nor does it propose to engage in any business activities other than those necessary for the winding-up of its affairs.

Section 3(c)(1) of the Act provides, in pertinent part, that notwithstanding Section 3(a) an issuer is not an investment company if its outstanding Securities (other than short-term paper) are beneficially owned by not more than one hundred persons and it is not making and does not propose to make a public offering of its securities. Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company under the Act shall terminate.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should

be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16795 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

[812-5522; Rel No. 13332]

First Trust Tax-Free Fund; Filing of an Application for an Order of Exemption

June 16, 1983.

Notice is hereby given that First Trust Tax-Free Fund ("Applicant") 110 North Franklin Street Chicago, IL 60606, registered under the Investment Company Act of 1940. ("Act") as an open-end, diversified, management investment company, filed an application on April 8, 1983, and amendments thereto on May 24, 1983, and June 10, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant: (1) from Section 12(d)(3) of the Act to the extent necessary to permit it to acquire stand-by commitments from brokers or dealers for its Money Market Portfolio and any other money market series that Applicant may establish in the future (Money Market Portfolio together with all future series, hereinafter referred to as "Money Market Series") and (2) from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act to the extent necessary to permit Applicant to value the portfolio securities of its Money Market Series using the amortized cost method of valuation and to value stand-by commitments acquired from banks, brokers, or dealers as described in the application. All interested persons are referred to the application on file with the commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of the provisions from which Applicant seeks to be exempted.

Applicant states that it is an unincorporated business trust organized under the laws of Massachusetts. Applicant states that the investment goal of its Money Market Series is to seek as high a level of current income exempt from Federal income taxes as is consistent with the preservation of capital and the maintenance of liquidity. Applicant states that it is a "series" fund as contemplated under Rule 18f–2 of the Act and presently has a single series of shares designated as its "Money Market Portfolio." Applicant states that neither its application nor any of the conditions contained therein shall apply to any series of shares that may be established by Applicant in the future that is not a Money Market Series.

Applicant further states that municipal securities in which it may invest ("Municipal Securities") consist of short-term debt obligations issued by or on behalf of any state, territory, or possession of the United States or the District of Columbia or their political subdivisions, agencies, or instrumentalities, the interest on which shall be, in the opinion of bond counsel for the issuer, at the time of issuance, wholly exempt form Federal income taxation. Applicant further states that Municipal Securities in which it will invest will be, at the time of purchase: (1) notes rated within the two highest short-term municipal ratings assigned by Moody's Investors Service, Inc. ("Moody's"), MIG 1 or MIG 2, or by Standard & Poor's Corporation ("S&P"), AAA or AA; (2) municipal commercial paper rated Prime-1 by Moody's, or A–1 by S&P; (3) municipal bonds, including industrial development revenue bonds, rated within the two highest ratings assigned to municipal bonds by S&P AAA or AA, or by Moody's Aaa or Aa; (4) securities not rated as described in (1) through (3) but determined by the Applicant's Board of Trustees to be at least equal in quality to one or more of the foregoing ratings; or (5) securities backed by the full faith and credit of the United States Government. Applicant also states that, among other things, it may invest in commitments to purchase Municipal Securities on a "when-issued" basis and, as discussed further below, variable rate securities and variable or floating rate demand securities (including participation interests), and may enter into repurchase agreements and reverse repurchase agreements and, as discussed further below, stand-by commitments.

Applicant also states that it may at times invest in taxable short-term investments of comparable quality to its Municipal Securities (including repurchase agreements) but intends to minimize such investments unless necessary for defensive purposes. Applicant states That, except during defensive periods, it will maintain at least 80% of its assets in obligations exempt from Federal income taxation. Applicant states that it will not invest more than 10% of its assets in illiquid securities, including repurchase agreements maturing in more than seven days. Applicant represents that its Board of Trustees has established procedures designed to stabilize, to the extent reasonably possible, the net asset value of its shares, computed for the purposes of distribution, redemption and repurchase at $1.00.

In support of its exemptive request Applicant states that experience indicates that two features are necessary in any "money market" fund: (1) certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that it can provide these features to investors by maintaining a portfolio of high quality Municipal Securities valued at amortized cost. Applicant represents that, given the nature of its policies and operations, there should be a negligbile discrepancy between prices obtained by the amortized cost method and those obtained by a market valuation method. Consequently, Applicant states that its use of the amortized cost method of valuation would not be inconsistent with the policy of the Act, as implemented by Rule 2a–4, nor would it undermine the protection of investors. Applicant represents that its Board of Trustees has determined in good faith that, in light of the characteristics of Applicant, absent unusual or extraordinary circumstances, the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market-based valuation method.

Applicant states that upon purchase of variable rate securities and variable and floating rate demand securities, the maturities of such securities will be determined in accordance with the procedures set forth in Proposed Rule 2a–7 under the Act (Investment Company Act Release No. 12206, February 1, 1982) or, if Proposed Rule 2a–7 is ultimately adopted, in accordance with that Rule, as adopted.

Applicant asserts that, in addition to maintaining a constant net asset value per share, it must be able to provide its shareholders with the ability to obtain next day redemption proceeds in federal funds. Applicant states further that, because the maturity dates of the Municipal Securities to be held in its portfolio will be relatively infrequent and non-negotiable, Applicant will be unable to rely on scheduled maturities to meet net redemptions. In addition,

Applicant states that regular settlement on sales of portfolio securities may take five business days; thus, it is stated, unless prior arrangements assuring immediate liquidity have been made, the negotiation of settlements on sales of Municipal Securities within the brief time available is frequently impossible or may require Applicant to receive a less favorable execution price on a sale even though the securities sold have a short remaining maturity. Applicant states that other investment techniques used by taxable money market funds to obtain liquidity are not viable options because they are prohibitively expensive or would produce undesirable taxable income.

Applicant states that it proposes to improve its portfolio liquidity by assuring same-day settlements on portfolio sales through the acquisition of "Stand-by Commitments" (also known as "puts"). A Stand-by Commitment, Applicant states, is a right of a fund, when it purchases a Municipal Security for its portfolio from a broker-dealer or bank, to resell the same principal amount of such security back to the seller, at the fund's option, at a specified price. Applicant states further that its investment policies permit the acquisition of Stand-by Commitments solely to facilitate portfolio liquidity. Applicant represents that the acquisition or exercisability of a Stand-by Commitment will not affect the valuation or maturity of its underlying portfolio, which will be valued in accordance with the amortized cost order hereby requested.

Applicant undertakes to acquire only Stand-by Commitments having the following features: (1) they will be in writing and will be physically held by Applicant's custodian; (2) they may be exercisable by Applicant on certain dates or within a specified period; (3) Applicant's rights to exercise them will be unconditional and unqualified; (4) they will be entered into only with a broker-dealer or bank which in the opinion of Applicant's investment manager presents a minimal risk of default; (5) although they may not be transferable, Municipal Securities purchased subject to such commitments could be sold to a third party at any time, even though the commitment was outstanding; and (6) their exercise price will be (i) Applicant's acquisition cost of the Municipal Securities which are subject to the commitment (excluding any accrued interest which Applicant paid on their acquisition), less any amortized market or original issue premium or plus any amortized market or original issue discount during the period Applicant owned the securities, plus (ii) all interest accrued on the securities. Applicant states that Stand-by Commitments will neither obligate Applicant to sell the underlying securities back to the seller nor entitle the seller to demand a return of the securities at its option.

Applicant further states that since it values its Municipal Securities on an amortized cost basis, the amount payable under a Stand-by Commitment will be substantially the same as the value assigned by Applicant to the underlying securities. Moreover, Applicant submits that there is little risk of an event occurring which would make the amortized cost valuation of its portfolio securities inappropriate; however, Applicant represents that, in the unlikely event that the market or fair value of securities in its portfolio were not substantially equivalent to their amortized cost value, Applicant's Board of Trustees could determine that such securities shoud be valued on the basis of available market information. Applicant represents that it will not purchase Stand-by Commitments with a view to exercising them at a time when the exercise price may exceed the current value of the underlying securities and that it expects to refrain from exercising the Stand-by Commitments to avoid imposing a loss on the seller and jeopardizing Applicant's business relationship with that seller.

Applicant states that Stand-by Commitments may be available without the payment of any direct or indirect consideration. However, if necessary or advisable, Applicant states that it will pay for Stand-by Commitments, either separately in cash or by paying a higher price for portfolio securities which are acquired subject to the commitment. Applicant represents that as a matter of policy, the total amount paid in either manner for outstanding Stand-by Commitments held in its portfolio will not exceed ½ of 1 percent of the value of its total assets calculated immediately after any Stand-by Commitment is acquired.

Applicant asserts that it is difficult to evaluate the likelihood of use or the potential benefit of a Stand-by Commitment. Therefore, Applicant states that its Board of Trustees will determine that Stand-by Commitments have a "fair value" of zero, regardless of whether any direct or indirect consideration is paid. Where Applicant has paid for a Stand-by Commitment, Applicant states that its cost will be reflected as an unrealized loss for the period during which it holds the commitment and that such cost will be reflected in realized gain or loss when the commitment is exercised or expires. In addition, for purposes of complying with the condition of its amortized cost order that the dollar-weighted average maturity of its portfolio shall not exceed 120 days, Applicant states that the maturity of a portfolio security shall not be considered shortened or otherwise affected by any Stand-by Commitment to which such security is subject.

Applicant asserts that granting this application is appropriate in the public interest and consistent with the protection of investors. Applicant asserts that the proposed acquisition of Stand-by Commitments will not affect its net asset value per share for purposes of sales and redemptions and will not pose new investment risks, but rather will improve its liquidity and ability to pay redemption proceeds in an expedited fashion. Applicant states that its reliance upon the credit of broker-dealers and banks from which it purchases Stand-by Commitments will be secured to the extent of the value of the underlying securities which are subject to the Stand-by Commitment. Therefore, Applicant asserts that a Stand-by Commitment with a bank presents less risk than a bank certificate of deposit and with a broker-dealer presents no greater a risk than the risk of loss faced by any investment company which is holding securities pending settlement after having agreed to sell the securities to a broker-dealer in the ordinary course of business. Moreover, Applicant states that its investment manager intends to evaluate periodically the credit of institutions issuing Stand-by Commitments. Applicant states that it will not acquire Stand-by Commitments to promote reciprocal practices, to encourage distribution efforts, or to obtain research services. According to Applicant, for these reasons and in light of the fact that Stand-by Commitments will not be ascribed value for purposes of determining Applicant's net asset value, the acquisition of such Stand-by Commitments will not meaningfully expose its assets to the entrepreneurial risks of the investment banking business, nor require it to evaluate the credit of the sellers of such Stand-by Commitments in determining its net asset value.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio

management to Applicant's investment manager, Applicant's Board of Trustees undertakes—as a particular responsibility within its overall duty of care owed to Applicant's shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment goal, to stabilize Applicant's net asset value per share, as computed for the purposes of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by Applicant's Board of Trustees shall be the following:

(a) Review by the Board of Trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of Applicant's net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the Board of Trustees will promptly consider what action, if any, should be initiated.

(c) Where the Board of Trustees believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will seek to maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which the Board of Trustees determines present minimal credit risks, and which are of high quality as determined by any major rating service, or, in the case of any instrument that is not rated, of comparable quality as determined by Applicant's Board of Trustees.

5. Applicant will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Trustees' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of meetings of the Board of Trustees. The documents preserved pursuant to this condition shall be subject to inspection by the Commission, in accordance with Section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

6. Applicant will include in each quarterly report to the Commission, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his interest, the reasons for his request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16791 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant states that it intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its Board of Trustees in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant states that it will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as reasonably practicable.

[812-5497; Rel. No. 13336]

PHH Capital, Inc., Filing of Application for Order of Exemption

June 16, 1983.

Notice is hereby given that PHH Capital, Inc. ("Applicant"), 11333 McCormick Road, Hunt Valley, Md. 21031, a Maryland corporation, filed an application on March 17, 1983, and an amendment thereto on April 28, 1983, requesting an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act for the text of the provisions from which an exemption is being sought.

Applicant states that it is organized solely as a vehicle for providing financing for the operations of Peterson, Howell & Heather Canada Inc. ("PHH Canada") on terms more favorable under Canadian tax laws than those available from customary Canadian sources or from loans by the parent corporation of PHH Canada, PHH Group, Inc. ("PHH"). Applicant represents that PHH Canada is a Canadian corporation and a wholly-owned subsidiary of PHH, a Maryland corporation. Applicant further represents that all of its issued and outstanding common stock is owned by a charitable trust (the "Trust"), which is a private foundation and tax exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954 the sole purpose of which is to make contributions to tax exempt cultural and educational organizations located in the Baltimore metropolitan area. Applicant states that it will have a nominal amount of paid-in capital and will issue its equity securities only to the Trust. Applicant states that its corporate charter restricts the business of Applicant to incurring indebtedness

guaranteed by PHH, lending to proceeds thereof to PHH Canada, and refinancing its outstanding indebtedness.

Applicant represents that PHH provides business services through wholly-owned subsidiaries, including PHH Canada, to more than 2,000 corporate clients. Applicant represents further that PHH's two primary businesses consist of vehicle related services and personnel related services. Applicant states that vehicle related services include car and truck fleet planning and management, car, truck and equipment leasing, new vehicle acquisitions and used car and truck sales, and the management and chartering of corporate aircraft. Applicant states that personnel related services consist primarily of purchasing, managing and reselling homes of transferred employees of corporate clients.

Applicant states the PHH is subject to the reporting requirements of the Securities Exchange Act of 1934 (the "Exchange Act") and, in accordance therewith, files reports and other information with the Commission. Applicant states that PHH's common stock is listed on the New York Stock Exchange and that in 1982, PHH registered $300,000,000 principal amount of its medium-term notes with the Commission. Applicant further maintains that during the nine month period ended January 31, 1983, PHH and its consolidated subsidiaries had net income of $25.5 million and total revenues of $420.1 million. Applicant states that, at January 31, 1983, PHH and its consolidated subsidiaries had total assets of $1.4 billion, including assets under management programs, and total liabilities of $1.2 billion, including liabilities under management programs.

Applicant states that PHH regularly borrows money in the United States public debt markets through the issuance of its notes and commercial paper and lends the proceeds to its subsidiaries, including PHH Canada, for use in their operations. Applicant states further that certain provisions of the Income Tax Act (Canada) require Canadian corporations to withhold a portion of the interest payable on loans from a non-resident parent corporation and to limit the deduction of such interest from the Canadian corporation's income. As a consequence, the cost of financing the operations of a Canadian subsidiary through loans from a parent corporation organized in the United States has substantially increased. Thus, Applicant intends, among other things, to issue and sell its medium term guaranteed notes (the "Notes"), repayment of the principal of and interest on which will be unconditionally guaranteed by PHH.

According to the application, the Notes will range in maturity from nine months to eight years, and will bear interest at a fixed rate payable semi-annually. The Notes will rank on a parity among themselves, equally with Applicant's other unsecured indebtedness and ahead of its capital stock. Applicant states that the guarantees of PHH will rank on a parity among themselves, on a parity with other unsecured debt obligations of PHH, and no guarantee will be subordinated in right of payment to other debt issued or guaranteed by PHH. Applicant submits that the Notes will be issued pursuant to an indenture among Applicant, Citibank, N.A. as trustee and PHH as guarantor and that the Indenture will be subject to and qualified under the Trust Indenture Act of 1939.

Applicant states that it will also issue commercial paper (together with the Notes, the "Securities") the repayment of which will be unconditionally guaranteed by PHH. Applicant also intends to incur indebtedness from commercial lending institutions, the repayment of which PHH also will unconditionally guarantee. Applicant states that it may sell in the future additional debt securities guaranteed by PHH to the same extent as are the Securities. Applicant states that Notes aggregating $100,000,000 in principal amount and the guarantees thereof will be registered by Applicant and PHH, respectively, under the Securities Act of 1933 (the "Securities Act") on a combined registration statement on Forms S-1 and S-3. According to the application, the commercial paper will be sold without registration in reliance upon an opinion of counsel that the offering will qualify for the exemption from registration provided by Section 3(a)(3) of the Securities Act. It is stated that, as a result of the registration of the Notes under the Securities Act, Applicant will become a reporting company under the Exchange Act by reason of Section 15(d) thereof and, under existing rules and regulations of the Commission will be required to file periodic reports with the Commission. Applicant represents that it will mail its annual reports on Form 10-K to all registered holders of the Notes. Applicant states that the Securities will be sold by A.G. Becker Paribas Incorporated or an affiliate as agent of Applicant on a continuing basis to institutional and individual investors in the United States who purchase such kinds of securities.

Applicant states that it will lend the net proceeds of the sale of the Securities to PHH Canada, which will use the funds to finance assets that it manages for its clients or to make loans to other PHH Canadian subsidiaries to finanace assets that they manage for their clients. Applicant states that the loans will be made in Canadian dollars pursuant to a loan agreement to be entered into between Applicant and PHH Canada. According to the application, the loans will be made from time to time at the request of PHH Canada over a five year period, and each loan will be repayable five and one-half years from the date it is made. It is stated that the obligation of PHH Canada to repay the loans will be Applicant's only significant asset and will be evidence by notes (the "Canada Notes"). Applicant states further the PHH Canada will pay interest on the Canada Notes in amounts calculated to pay all interst on Applicant's outstanding indebtedness, the costs of issuance of the Securities and all administrative expenses of Applicant.

Applicant represents that PHH will unconditionally guarantee the due and punctual payment of the principal of and interest on the Securities when payable, whether at maturity or otherwise, in the case of any failure of Applicant to make a payment. Consequently, purchase of the Securities will be substantially equivalent to the purchase of securities issued by PHH and purchasers of the Securities will look to the credit of PHH as guarantor in assessing the credit of the Securities. Applicant states that the terms of the guarantees will provide that in the event of a default with respect to the Securities, legal proceedings may be instituted directly against PHH without first proceeding against Applicant.

Applicant states that it could be deemed an investment company under the Act by reason of its proposed acquisition and holding of the Canada Notes, which will constitute substantially all of its assets, and because its outstanding securities are expected to be beneficially owned by more than 100 persons. Applicant believes that it is not an investment company under the Act because it is in the business of issuing securities and lending money and will hold the Canada Notes only incident to its lending activities. Applicant states further that it will not have any discretion to make investment decisions.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person,

security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purpose fairly intended by the policy and provisions of the Act.

Applicant believes that the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant states that compliance with the substantive provisions of the Act would conflict with its proposed operations and effectively preclude it from selling the Securities. Applicant asserts that the proposed offering of Securities would benefit institutional and individual investors in the United States by making the Securities available to them. Applicant further asserts that the needs of purchasers of the Notes for information regarding their investments will be met by the distribution of a prospectus concerning Applicant and PHH to all persons to whom the Notes are offered.

Applicant agrees, in the event that the Commission grants the application, to the following conditions:

(1) to the extent that such information is not included in Applicant's annual report on Form 10–K, Applicant will file with the Commission within 120 days after the close of its first fiscal year (a) information with respect to persons controlling Applicant and principal holders of Applicant's equity securities, as required by Item 11 of Form N–2 under the Act, (b) information with respect to directors, officers, employees and legal counsel, as required by Item 12 of Form N–2 under the Act, (c) a statement of financial position as of the close of such fiscal year, including a statement of income, paid-in surplus and retained earnings, and (d) a schedule of investments as of the close of such fiscal year, and thereafter notify the Commission promptly of any material change in such information or statement; to the extent that such above-described information is included in Applicant's annual report on Form 10–K for such fiscal year, a copy of such annual report will be provided to the Commission with such information highlighted for the Commission's information;

(2) Applicant will file with the Commission within 120 days of the close of its first fiscal year a schedule of the number of holders of its short-term or other bearer securities and its securities in registered form as of the close of such fiscal year and the number of transfers of such registered securities during such fiscal year, and thereafter notify the Commission promptly of any material change in such schedule; and

(3) Applicant will not sell any equity securities other than to the Trust or sell any debt securities other than debt securities which are (i) unconditionally guaranteed as to repayment of principal and interest by PHH, and (ii) are (A) exempt from the provisions of the Securities Act by virtue of Section 3(a)(3) thereof, (B) registered with the Commission pursuant to the Securities Act, or (C) offered and sold in transactions not involving any public offering to institutions, located in the United States and elsewhere, which are not "Underwriters" of the securities within the meaning of the Securities Act, unless Applicant shall have first given written notice to the Commission describing the proposed issuance of such additional debt securities (including notice of a proposed filing of a registration statement under the Securities Act, pursuant to Commission Rule 415 or otherwise) not less than 60 days prior to the date of such proposed issuance, subject, however, to the right of the Commission, upon request of Applicant, to decrease such number of days. Applicant further agrees that if the Commission shall, after receipt by the Commission of such written notice, determine that a substantial question exists as to whether or not the exemption granted by the requested order should continue and the Commission shall, within 30 days after receipt by the Commission of such written notice from Applicant, mail or otherwise give notice to that effect to Applicant, in care of Piper & Marbury, 1100 Charles Center South, 36 South Charles Street, Baltimore, Maryland 21201, Applicant will not issue such additional debt securities unless, after receipt by it of such notice from the Commission and not less than 30 days prior to the issuance of such additional debt securities, Applicant shall mail or otherwise give written notice to the Commission stating its intention to issue such additional debt securities, and upon the giving of such notice by Applicant the requested order shall be deemed to have terminated as of the date Applicant shall have mailed or otherwise given such notice to the Commission.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 11, 1983, at 5:30 p.m., do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, an order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16796 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01

[812-5322; Rel. No. 13331]

SCI/Tech Holdings, Inc.; Filing of Application for an Order Pursuant to Section 10(f) of the Act Requesting Exemption Therefrom

June 15, 1983.

Notice is hereby given that Sci/Tech Holdings, Inc. ("Applicant"), 633 Third Avenue, New York, New York 10017, a Maryland corporation registered under the investment Company Act of 1940 ("Act"), as an open-end, diversified, management investment company, filed an application on April 14, 1983, and an amendent thereto on June 7, 1983, requesting an exemption pursuant to Section 10(f) of the Act from the provisions of that section to permit Applicant to purchase securities in public offerings in which affiliates of its investment advisers participate as principal underwriters. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below, and to the Act and rules thereunder for the text of those provisions relevant to this application.

Applicant states that its investment objective is long-term capital appreciation through world-wide investment in equity securities of companies that, in the opinion of management, derive or are expected to derive a substantial portion of their sales from products and services in science or technology. Applicant states that it will pursue its investment objective by investing in a diversified international portfolio securities of

companies in various stages of development, and that it is presently comtemplated that, at least initially, the Applicant's assets will primarily be invested in the United States and Japan and, to a lesser extent, in Western Europe. Applicant further states that it is further contemplated that substantially all of the investments in securities of Japanese corporations will be made directly in the Japanese markets.

Applicant states that it has entered into separate investment advisory agreements (the "Investment Advisory Agreements") with Merrill Lynch Asset Management, Inc. ("MLAM"), Nomura Capital Management, Inc. ("NCM") and Lombard Odier, International Portfolio Management Limjted ("LOIPM") (collectively, the "investment advisers"). Under the Investment Advisory Agreements, subject to the direction of the board of directors of the Applicant, MLAM will be responsible for the portfolio management of Applicant's assets invested in North and South America, NCM for management of assets in the Pacific Basin (i.e., Far Eastern and Western Pacific countries) and LOIPM for management of assets in Western Europe. Applicant states that pursuant to its investment Advisory Agreement with the Applicant, NCM has entered into a sub-advisory agreement with Nomura Investment Management Co., Ltd. ("NIMCO"), pursuant to which NIMCO supplies securities research and investment recommendations to the Applicant through NCM. Applicant further states that NIMCO is not responsible for the actual portfolio decisions of the Applicant.

Applicant states that NCM, a New York corporation, is a wholly-owned subsidiary of NIMCO. NIMCO is a Japanese corporation which is an indirect subsidiary of the Nomura Securities Co., Ltd. ("Nomura Tokyo"). Because of these affiliations, NCM and NIMCO are "affiliated persons" of Nomura Tokyo within the meaning of Section 2(a)(3) of the Act. Nomura Tokyo was organized in 1925 and is the largest securities firm in Japan. Nomura Tokyo conducts a diversified securities business including, among other things, acting as a broker and dealer in corporate and government securities and engaging in securities research. Nomura Tokyo participates as a principal underwriter in a substantial number of underwriting syndicates for public offerings made in Japan. Applicant states that it has been advised that during 1982, Nomura Tokyo acted as the lead manager in underwritten offerings representing approximately 46 percent of the total amount of equity offerings in Japan by issuers whose securities are listed on one of the Japanese stock exchanges, and that during such year, Nomura Tokyo acted as the lead manager in underwritten offerings of convertible debentures in Japan representing approximately 30 percent of the total amount of such offerings.

As stated above, Applicant states that it intends to invest in equity securities of Japanese corporations. According to Applicant, underwritten public offerings of Japanese common stocks made in Japan are currently made at discounts (typically up to 10%) from current market prices and are not required to be, and will not be, registered under the Securities Act of 1933 ("1933 Act"). Since the offerings will not satisfy subsection (a)(1) of Rule 10f-3, promulgated under Section 10(f) of the Act, the Applicant will be unable to purchase securities in such offerings where Nomura Tokyo or any of its affiliates participates as a "principal underwriter". Applicant represents that it has reviewed the conditions set forth in Rule 10f-3 and it believes that, with the exception of the registration requirement contained in paragraph (a)(1), it normally will be able to satisfy each of the other conditions on public offerings in Japan. With respect to paragraph (h) of the rule, the board of directors of the Applicant has previously adopted the required internal procedures for purposes of domestic transactions falling within the scope of Section 10(f) and Rule 10f-3, and it will adopt similar procedures for purposes of such transactions in Japan. Consequently, in order to be able to participate in Japanese public offerings on a broad basis, Applicant seeks an order exempting it from Section 10(f) of the Act on the condition that (i) all securities purchased in public offerings in Japan under circumstances subject to Section 10(f) of the Act be registered under the Japanese Securities Exchange Law of 1948 (the "Securities Exchange Law") and (ii) with the exception of subsection (a)(1) of Rule 10f-3, all other conditions in such rule are satisfied with respect to each purchase made pursuant to such order.

Applicant submits that the effect of the exemption sought by this application is to substitute the registration provisions of the Securities Exchange Law for those of the 1933 Act; Applicant contends that for the purposes of Rule 10f-3(a)(1), registration under the Securities Exchange Law is the substantial equivalent of being "effectively registered under the [1933 Act]."

Applicant submits that, given the significant role of Nomura Tokyo in underwritten public offerings in Japan, Applicant's shareholders might be prejudiced in the absence of the relief requested herein since the Applicant will be precluded from purchasing shares at a discount in public offerings where Nomura Tokyo or any of its affiliates participate as a principal underwriter. Applicant states that the Securities Exchange Law is the basic securities law in Japan, and was based upon the 1933 Act and the Securities Exchange Act of 1934, and certain of its provisions, including those relating to the registration of securities, closely parallel the provisions of such acts. Applicant states that, under the Securities Exchange Law, a public offering of securities may not lawfully be made unless a registration statement is in effect. Applicant further states that registration statements must be reviewed by the Ministry of Finance and will not become effective if the Ministry of Finance finds that full disclosure has not been made. Moreover, Applicant states, no solicitations, either oral or by means of a prospectus, are permitted until the registration statement has become effective.

According to the application, the commitments of underwriters in Japanese common stock offerings are firm and the obligations of the various underwriters are several and not joint, and in the underwriting agreement, each underwriter is obligated to purchase shares from the issuer at a fixed price and the issuer receives proceeds based on this net price regardless of the marketing results of the underwriting group. This price to the issuer is determined by negotiation between the issuer and the underwriters. In addition, also according to the application, in offerings of convertible debentures, the underwriters' obligations are joint an several. Applicant states that the interest rate for a particular issue is negotiable by the issuer and the underwriters, subject to administrative guidelines established by the Ministry of Finance, and the conversion premium is partially negotiated by the issuer and the underwriters but, in accordance with the policy established by the Ministry of Finance, is generally fixed at 10 percent above the current market price of the issuer's common stock.

Applicant states that in both common stock and convertible debenture offerings, underwriters offer the securities to the public at a public

offering price disclosed in the prospectus. Applicant further states that any discount in the public offering price from prevailing market prices is determined by the issuer and the underwriters based upon marketing considerations and is subject to administrative guidance from the Ministry of Finance. According to the application, the public offering price is fixed and does not change during the offering period.

Section 10(f) of the Act provides that the Commission may by order exempt any transaction or class of transactions from the provisions of such section to the extent that such exemption is consistent with the protection of investors.

In light of the foregoing, Applicant requests that an order be entered, pursuant to Section 10(f) of the Act, exempting Applicant from Section 10(f) on the conditions set forth herein to permit purchases of securities in public offerings in Japan in which Nomura Tokyo or any affiliate thereof participates as a principal underwriter. Applicant submits that the granting of this exemptive order is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person wishing to request a hearing on the application may, not later than July 11, 1983, at 5:30 p.m. do so by submitting a written request setting forth the nature of his/her interest, the reasons for his/her request, and the specific issues, if any, of fact or law that are disputed, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of the request should be served personally or by mail upon Applicant at the address stated above. Proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed with the request. Persons who request a hearing will receive any notices and orders issued in this matter. After said date, and order disposing of the application will be issued unless the Commission orders a hearing upon request or upon its own motion.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 83-16792 Filed 6-21-83; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Minority Small Business and Captial Ownership Development; Management and Technical Assistance Application Announcement

Summary: The Small Business Administration, Office of Minority Small Business and Capital Ownership Development (MSB&COD) announces that it is soliciting applications under its 7(j) Program to provide management and technical assistance services nationally to cover 100 separate geographical areas. Projects for each area are to operate for a 12-month period beginning October 1, 1983, and will range from approximately $20,000 to $350,000, with a total cost not to exceed $8,000,000.

The announcement number is MSB-84-001-01.

Funding Instrument: The funding instruments, as defined by the Federal Grants and Cooperative Agreements Act of 1977 (Pub. L. 95-244) will be cooperative agreements.

Program Description: The SBA provides management and technical assistance services to eligible small businesspersons under two Programs, (7(j)(1-9) and 7(j)(10). Cooperative agreements awarded under both programs will be on a competitive basis to small business consulting firms. Firms who are eligible to receive services offered under 7(j)(1-9) are existing or potential businesspersons who are economically or socially disadvanaged or who are located in areas of high concentration of unemployed, or who are participants in activities authorized by Section 7(i) of the Small Business Act, as amended. Applicants applying for 7(j)(1-9) awards must be capable of providing assistance in such areas as accounting, production, engineering and technical assistance, feasibility studies, market analyses, specialized services, government contracts, and advertising assistance. Small businesspersons certified by the SBA as 8(a) are eligible to receive assistance under the 7(j)(10) Program. Applicants responding to one of the geographical areas under 7(j)(10) must be capable of providing services in such cases as loan packaging, the development of business plans, financial counseling, surety bond and construction management assistance, and areas of specialized assistance particularly germane to a specific 8(a) firm. All applicants responding to any one of the geographical areas listed in the announcement must have had an office physically located within that geographical area for a period of one year prior to the release date of the announcement.

Eligible Applicants: This announcement is a total 100% small business set-aside. Any concern making application for services is classified as small if its average annual sales or receipts for its preceding three (3) fiscal years do not exceed $2 million.

Application Materials: Applications will be forwarded to interested participants upon telephone request (202) 653-6439, or upon written request to the Office of Minority Small Business and Capital Ownership Development, DAB, Room 602-H, 1441 L Street, NW., Washington, D.C. 20416. All awards will be announced in the **Federal Register** and the Commerce Business Daily.

Evaluation and Award Process: All proposals received as a result of this announcement will be evaluated by an SBA review panel. The awarding of MSB&COD Cooperative Agreements is discretionary. Generally, projects are supported in order of merit to the extent permitted by available funds.

Disposition of Proposals: Notification of awards will be made by the awards officer. Organizations whose proposals are unsuccessful will be sent an awards list advising them of the successful awardees. Nothing in this announcement shall be construed as committing MSB&COD to divide available funds among all qualified applicants.

(59.007 Management and Technical Assistance for Disadvantaged Businesspersons)

James C. Sanders,

Administrator.

[FR Doc. 83-16816 Filed 6-21-83; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0174]

Mount Vernon Venture Capital Co.; Application for a License as a Section 301(c) Small Business Investment Company (SBIC)

Notice is hereby given of the filing of an application with the Small Business Administration pursuant to § 107.102 of the SBA Regulations (13 CFR 107.102 (1983)), by Mount Vernon Venture Capital Company, 9102 North Meridian Street, Indianapolis, Indiana 46260 for a license to operate as a small business investment company (SBIC) under the provisions of Section 301(c) of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. *et seq.*).

The proposed general and limited partners are:

	Percent of ownership
General partners:	
Eugene B. Glick, 215 Williams Court, Indianapolis, Ind. 46260	50.00
Marilyn K. Glick, 215 Williams Court, Indianapolis, Ind. 46260	50.00
Limited partners:	
Eugene B. Glick, 215 Williams Court, Indianapolis, Ind. 46260	50.00
Marilyn K. Glick, 215 Williams Court, Indianapolis, Ind. 46260	50.00

The Applicant proposes to begin operations with capitalization, after organization expenses, of approximately $1,975,000 and will be a source of equity capital and long term loan funds for qualified small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of the publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this Notice will be published in a newspaper of general circulation in Indianapolis, Indiana.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: June 16, 1983.

Robert G. Lineberry,

Deputy Associate Administrator for Investment.

[FR Doc. 83-16713 Filed 6-21-83; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 12; Rev. 2, Amdt. 2]

Delegation of Authority; Associate Administrator for Finance and Investment

Associate Administrator for Finance and Investment Delegation of Authority No. 12 (47 FR 14995) as amended (48 FR 9979) is hereby amended to provide authority to declare disaster loan areas in cases of Presidential declarations. Paragraph I.C is amended to read as follows:

* * * * *

C. Disaster Activities

1. To declare a disaster loan area in instances where the President has determined that a "major disaster" has occurred pursuant to Pub. L. 93-288 as amended, or to declare a disaster loan area for Economic Injury disaster loans upon notification that the Secretary of Agriculture has declared a natural disaster for that area.

2. To amend declarations made under authority of Paragraph C.1 above.

* * * * *

Effective Date: June 22, 1983.

Dated: June 1, 1983.

James C. Sanders,

Administrator.

[FR Doc. 83-16635 Filed 6-21-83; 8:45 am]

BILLING CODE 8025-01-M

[Delegation of Authority No. 12-C; Amdt. 1]

Delegation of Authority; Deputy Associate Administrator

Delegation of Authority No. 12-C (48 FR 9980) is hereby amended to delegate authority to the Deputy Associate Administrator for Disaster Assistance to declare disaster loan areas in cases of Presidential declarations.

Delegation of Authority No. 12-C is amended to read as follows:

* * * * *

1. To declare a disaster loan area in instances where the President has determined that a "major disaster" has occurred pursuant to Pub. L. 93-288 as amended, or declare a disaster loan area for Economic Injury disaster loans upon notification that the Secretary of Agriculture has declared a natural disaster for that area.

2. To amend declarations made under authority of Paragraph 1 above.

* * * * *

Effective date: June 22, 1983.

Dated: June 1, 1983.

Edwin T. Holloway,

Associate Administrator for Finance and Investment.

[FR Doc. 83-16634 Filed 6-21-83; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplmnt. to Deprt. Cir. Public Debt Series—No. 17-83]

Treasury Notes; Series V-1985

Washington, June 16, 1983.

The Secretary announced on June 15, 1983, that the interest rate on the notes designated Series V-1985, described in Department Circular—Public Debt Series—No. 17-83 dated June 9, 1983, will be 10 percent. Interest on the notes will be payable at the rate of 10 percent per annum.

Carole J. Dineen,

Fiscal Assistant Secretary.

[FR Doc. 83-16627 Filed 6-21-83; 8:45 am]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 48, No. 121
Wednesday, June 22, 1983

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M–382–amdt 1, June 15, 1983]

Short notice addition and closure of item for the June 16, 1983 meeting

TIME AND DATE: 10 a.m. June 16, 1983.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

SUBJECT: 25a. Docket 40046, Applications of El Al and Nordair to conduct a wet-lease operation between Montreal, Canada and Miami, Florida. (BIA, OGC)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, *the Secretary (202) 673–5068.*

[S-893-83 Filed 6-20-83; 10:32 am]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M–383, June 16, 1983]

TIME AND DATE: 9:30 a.m., June 23, 1983.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

SUBJECT:

1. Ratification of Items Adopted by Notation.
2. Docket 41233, Certificate Application of Simmons Airlines, Inc. for interstate and overseas scheduled authority. (Memo 1891, BDA)
3. Communter carrier fitness determination of Air Tour Acquisition Corporation d/b/a Panorama Air Tour. (Memo 1892, BDA)
4. Dockets 41029 and 41031, Notices of Wien Air Alaska to suspend services at 13 communities in Alaska and Kodiak-Western Alaska Airlines to suspend service at 39 communities in Alaska. (Memo 1582–F, BDA, OCCCA)
5. Docket 37236, Essential Air Transportation at Danville, Virginia. (BDA)
6. Docket 41030, Notice of Air Midwest to suspend service at Garden City, Dodge City, Hutchinson, Parsons/Independence/Coffeyville, Goodland, Great Bend, and Hays, Kansas, and Lamar, Colorado. (Memo 1582–E, BDA, OCCCA)
7. Dockets 41240 and EAS–427, Air Kentucky's 90-day notice of intent to suspend service at London-Corbin, Kentucky. (Memo 1820–A, BDA, OCCCA, OGC)
8. Dockets EAS–639, 460, 641 and Docket 40786, Essential Air Service determinations for Rota, Saipan and Tinian, Northern Mariana Islands and essential air service transportation for Rota and Tinian. (Memo 1893, BDA, OCCCA, OGC)
9. Dockets 40815 and 40894, Essential air service for Lake Tahoe, California. (Memo 1503–A, BDA, OCCCA)
10. Docket 41239, Essential air service for Lewiston/Auburn, Maine. (Memo 1894, BDA, OCCCA, OC)
. Dockets 40437 and EAS–383, Essential Air Service for Moultrie/Thomasville, Georgia. (BDA, OCCCA)
12. Dockets 40340 and 41225, Notices of Continental Airlines, Inc. and Arrow Airways, Inc. to terminate service at Pago Pago, American Samoa. (BDA, OCCCA)
13. Dockets 40835 and 40906, Republic Airlines' notices to suspend service at Lewiston, Idaho/Clarkston, Washington and Pocatello, Idaho. (Memo 1890, BDA, OCCCA)
14. Docket 40802, Application of Puerto Rico International Airlines, Inc. (Prinair) for compensation for losses at Ponce, Puerto Rico. (Memo 1889, BDA, OCCCA, OC, BCAA)
15 Dockets 41085 and 41286, Petitions of Century Air Freight for review of dismissals of enforcement complaints. (Memo 1896, OGC)
16. Docket 40314, Application of Aviaciony Comercio, S.A. (AVIACO) to renew and amend its foreign air carrier permit to operate charters between Spain and the United States. (BIA, OGC, BALJ)
17. Docket , South Seas Airlines Fitness Investigation, Dockets 41372, 41373, Application of South Seas Airlines for a certificate of public convenience and necessity pursuant to section 401 of the Federal Aviation Act of 1958, as amended (interstate and overseas foreign air transportation). (BIA, OGC, BALJ)
18. Negotiations with the Philippines. (BIA)
19. Negotiations with ECAC. (BIA)
20 Negotiations with Jamaica. (BIA)
21. Peoples of China. (BIA)
22. Pricing Working Group of Germany. (BIA)
23. Negotiations with Spain. (BIA)

STATUS: 1–17 Open 18–23 Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, *The Secretary, (202) 673–5068.*

[S-894-83 Filed 6-20-83; 10:32 am]

BILLING CODE 6320-01-M

3

CIVIL AERONAUTICS BOARD

[M–382 amdt 2, June 16, 1983]

Short Notice addition and closure of items for the June 16, 1983 meeting

TIME AND DATE: 10 a.m. June 16, 1983.

PLACE: Room 1027 (Open) Room 1012 (Closed), 1825 Connecticut Avenue, NW, Washington, D.C. 20428.

SUBJECT:

32. Docket 41447, Request of Aerolineas Nicaraguenses, S.A. (AERONICA) to operate six round-trip, Managua-Los Angeles passenger charter flights during the period July 9–December 17, 1983. (BIA)
33. People's Republic of China. (BIA)

STATUS: Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, Secretary, (202) 673–5068.

[S-902 Filed 6-20-83; 4:00 pm]

BILLING CODE 6320-01-M

4

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 48, No. 115, Tuesday, June 14, 1983.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11 a.m., Friday, June 24, 1983.

CHANGES IN THE MEETING: Postponed until 11 a.m., Monday, June 27, 1983.

[S-895-83 Filed 6-20-83; 10:34 am]

BILLING CODE 6351-01-M

5

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11 a.m., Friday, July 1, 1983.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-890-83 Filed 6-20-83; 10:34 am]

BILLING CODE 6351-01-M

6

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Monday, June 27, 1983, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minute of previous meetings.

Application for Federal deposit insurance:

Korea First Bank of New York, a proposed new bank to be located at 29 West 30th Street, New York (Manhattan), New York.

Notice of acquisition of control:

Capital City Bank, Hapeville, Georgia.

Reports of committees and officers:

Minutes of actions approved by the standing committees of the Corporation pursuant to authority delegated by the Board of Directors.

Reports of the Division of Bank Supervision with respect to applications, requests, or actions involving administrative enforcement proceedings approved by the Director or Associate Director (Administration and Corporate Applications) of the Division of Bank Supervision and the various Regional Directors pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

No matters scheduled.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 20, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-903 Filed 6-20-83; 4:00 pm]

BILLING CODE 6714-01-M

7

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Monday, June 27, 1983, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b (c)(2), (c)(6), (c)(8), and (c)(9)(A)(ii) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Notices of acquisition of control:

Names and location of banks and names of acquiring persons authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendation with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Recommendations, pursuant to section 10(b) of the Federal Deposit Insurance Act, that the Corporation make special examination of two State member banks to determine the condition of such banks for insurance purposes:

Names and locations of banks authorized to the exempt from disclosure pursuant to the provisions of subsections (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(8), and (c)(9)(A)(ii)).

Discussion Agenda:

Application pursuant to section 19 of the Federal Deposit Insurance Act for consent to service of a person convicted of an offense involving dishonesty or a breach of a trust as a director, officer, or employee of an insured bank:

Name of person and of bank authorized to be exempt from disclosure pursuant to provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c)(6), (c)(8), and (c)(9)(A)(ii)).

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552 (c)(2) and (c)(6)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, D. C.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389–4425.

Dated: June 20, 1983.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-904 Filed 6-20-83; 3:59 pm]

BILLING CODE 6714-01-M

8

FEDERAL RESERVE SYSTEM (BOARD OF GOVERNORS)

TIME AND DATE: 10 a.m., Monday, June 27, 1983.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Proposed follow-up report to Congress on the International Banking Act of 1978.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

Contract Person for More Information: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: June 17, 1983.

James McAfee,

Associate Secretary of the Board.

[S-891 Filed 6-17-83; 4:09 pm]

BILLING CODE 6210-01-M

9

NUCLEAR REGULATORY COMMISSION

DATE: Friday, June 17, 1983 (revised) and Week of June 20, 1983 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open and Closed.

MATTERS TO BE DISCUSSED:

Friday, June 17:

1:30 p.m.
Discussion of Budget (public meeting) (Replaces Discussion of Regulatory Reform Task Force—Administrative Proposals—Backfit Rule)
3 p.m.
Discussion of Management—Organization and Internal Personnel Matters (Continuation) (closed—Ex. 2 and 6) (New Item)

Monday, June 20:

2:30 p.m.
Briefing on Integrated Scheduling Concept—Duane Arnold (public meeting) (postponed)

Tuesday, June 21:

9:30 a.m.
Discussion of Completion of TMI–1 Restart Review (public meeting) (New Item)
10:30 a.m.
Discussion of TMA–1 Restart (closed—Ex. 10) (Time Change)

Wednesday, June 22:

10 a.m.
Discussion of Regulatory Reform Task Force—Administrative Proposals—Revisions to Part 2 (public meeting) (postponed)
2 p.m.
Briefing on Prioritization of Generic Issues (public meeting) (postponed)

Thursday, June 23:

11 a.m.
Affirmation/Discussion and Vote (public meeting) (New Item)
a. Commission Review of ALAB–687
b. Commission Determination on Acceptance of Certified Question from LBP–83–21 on Low-Power Operation at Shoreham Nuclear Power Station

ADDITIONAL INFORMATION: On June 15, 1983 the Commission voted 5–0 to hold Discussion of TMA–1 Restart, held that day.

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: John Hoyle, (202) 634–1410.

June 16, 1983.

John Hoyle,

Office of the Secretary.

[S-892-83 Filed 6-20-83; 10:30 am]

BILLING CODE 7590-01-M

10

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 26583, June 8, 1983.

STATUS: Closed meetings.

PLACE: 450 5th Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Thursday, June 2, 1983.

CHANGE IN THE MEETING: Additional meetings.

A closed meeting was held on Wednesday, June 15, 1983, at 3:30 p.m. to consider the following item.

Institution of injunctive action and formal order of investigation.

A closed meeting was held on Thursday, June 16, 1983, at 9:30 a.m. to consider the following item.

Personnel matter.

Commissioners Thomas, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

June 17, 1983.

[S-897-83 Filed 6-20-83; 11:00 am]

BILLING CODE 8010-01-M

11

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 48 FR 26582, June 8, 1983.

STATUS: Closed meeting.

PLACE: 450 5th Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, June 3, 1983.

CHANGE IN THE MEETING: Additional item.

The following additional item was considered at a closed meeting scheduled on Thursday, June 16, 1983, at 10:00 a.m.

Settlement of injunctive action.

Commissioners Thomas, Longstreth and Treadway determined that Commisson business required the above change and that no earlier notice thereof was possible.

At time changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

June 17, 1983.

[S-898-83 Filed 6/20/83; 11:06 am]

BILLING CODE 8010-01-M

12

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published)

STATUS: Open meeting.

PLACE: 450 5th Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Wednesday, June 15, 1983.

CHANGE IN THE MEETING: Additional meeting.

An open meeting will be held on Thursday, June 23, 1983, at 10:30 p.m. in Room 1C30 to consider the following items, followed by a closed meeting previously annouced.

1. Consideration of whether to grant the application of Miles A. Bahl to become associated with Herzog, Heine, Geduld, Inc. in a non-supervisory capacity without extraordinary supervisory conditons. For further information, please contact Mary A. Binno at (202) 272–2318.
2. Consideration of whether to grant the petition of Robert B. Turk pursuant, to 17 CFR 201.2(e)(4)(i), for reinstatement of the privilege of appearing and practicing before the Commission as an attorney. For further information, please contact Laura Singer at (202) 272–7524.

Commissioners Thomas, Longstreth and Treadway determined that Commission business required the above changes and that no earlier notice thereof was possible.

At times changes in commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

June 17, 1983.

[S-899-83 Filed 6-20-83; 11:06 am]

BILLING CODE 8010-01-M

13

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week on June 27, 1983, at 450 5th Street, N.W., Washington, D.C.

A closed meeting will be held on Thursday, June 30, 1983, at 10:00 a.m.

The Commissioners, Counsel to the Commissioners, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (i), (9)(i) and (10).

Commissioners Thomas, Longstreth and Treadway voted to consider the items listed for the closed meeting in closed session.

The subject matter of closed meeting scheduled for Thursday, June 30, 1983, at 10:00 a.m., will be:

Access to investigative files by Federal, State, or Self-regulatory authorities.
Settlement of administrative proceedings of an enforcement nature.
Formal orders of investigation.
Litigation matter.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Jerry Marlatt at (202) 272–2092.

June 17, 1983.

[S-900-83 Filed 6-20-83; 11:07 am]

BILLING CODE 8010-01-M

14

U.S. RAILWAY ASSOCIATION

DATE AND TIME: June 30, 1983, 10:30 a.m.

PLACE: Board Room, Room 2–500, Fifth Floor, 955 L'Enfant Plaza North, S.W., Washington, D.C.

STATUS: The first portion of the meeting will be closed to the public; the second portion will be open.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS AT THE ANNUAL MEETING:

Portion Closed to the Public (10:30 a.m.):
1. Litigation Report
2. Review of Conrail Confidential and Proprietary Financial Information

Portion Open to the Public (11:00 a.m.):
3. Approval of Minutes of May 20 Joint Meeting of Board and Advisory Board
4. Election of Officers
5. Conrail Monitoring Indicators

CONTACT PERSON FOR MORE INFORMATION: Alex Bilanow, (202) 488–8777, Ext. 503.

[S-901-83 Filed 6-20-83; 11:13 am]

BILLING CODE 8240-01-M

federal register

Wednesday
June 22, 1983

Part II

Department of Energy

Federal Energy Regulatory Commission

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

DEPARTMENT OF ENERGY

Federal Energy regulatory Commission

[Vol. 917]

Determinations by Jurisdictional Agencies Under the Natural Gas Policy Act of 1978

Issued: June 16, 1983.

The following notices of determination were received from the indicated jurisdictional agencies by the Federal Energy Regulatory Commission pursuant to the Natural Gas Policy Act of 1978 and 18 CFR 274.104. Negative determinations are indicated by a "D" before the section code. Estimated annual production (PROD) is in million cubic feet (MMCF).

The applications for determination are available for inspection except to the extent such material is confidential under 18 CFR 275.206, at the Commission's Division of Public Information, Room 1000, 825 North Capitol St., Washington, D.C. Persons objecting to any of these determinations may, in accordance with 18 CFR 275.203 and 275.204, file a protest with the Commission within fifteen days after publication of notice in the **Federal Register.**

Source data from the Form 121 for this and all previous notices is available on magnetic tape from the National Technical Information Service (NTIS). For information, contact Stuart Weisman (NTIS) at (703) 487–4808, 5285 Port Royal Rd., Springfield, Va 22161.

Categories within each NGPA section are indicated by the following codes:

Section 102–1: New OCS lease
102–2: New well (2.5 Mile rule)
102–3: New well (1000 Ft rule)
102–4: New onshore reservoir
102–5: New reservoir on old OCS lease
Section 107–DP: 15,000 feet or deeper
107–GB: Geopressured brine
107–CS: Coal Seams
107–DV: Devonian Shale
107–PE: Production enhancement
107–TF: New tight formation
107–RT: Recompletion tight formation
Section 108: Stripper well
108–SA: Seasonally affected
108–ER: Enhanced recovery
108–PB: Pressure buildup

Kenneth F. Plumb,
Secretary.

NOTICE OF DETERMINATIONS — VOLUME 917

ISSUED JUNE 16, 1983

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
MISSISSIPPI OIL & GAS BOARD									
-EXXON CORPORATION				RECEIVED:	05/31/83	JA: MS			
8339031	81-81-15	2309120093		102-4	103	HUB GAS UNIT 13 #1	HUB	300.0	SOUTHERN NATURAL
-MEASON OPERATING CO				RECEIVED:	05/31/83	JA: MS			
8339032	1-83-521	2300122385		102-4		KATHARINE R WHEELER #1	SOUTH ST CATHERINE CR	13.0	MID-LOUISIANA GAS
-MOBIL OIL EXPLORATION & PROD S E				RECEIVED:	05/31/83	JA: MS			
8339033	18-83-534	2307720043		102-2		ROBERT TYNES #1	TOPEKA	182.5	
-TOMLINSON INTERESTS INC				RECEIVED:	05/31/83	JA: MS			
8339030	20-83-467	2309120188		107-DP		J J EASTERLING 16-6 #1	EAST MORGANTOWN	273.8	TRANSCONTINENTAL
MONTANA BOARD OF OIL & GAS CONSERVATION									
-TRICENTROL UNITED STATES INC				RECEIVED:	05/31/83	JA: MT			
8339028	6-82-176	2500522270		103		MUELLER 18-8-T31N-R19E	BOWES	37.0	NORTHERN NATURAL
8339029	6-82-175	2500522264		103		MUELLER 7-16-T31N-R19E	BOWES	37.0	NORTHERN NATURAL
8339025	6-82-174	2500522271		103		SORENSEN 12-15-T31N-R18E	TIGER RIDGE	37.0	NORTHERN NATURAL
8339026	6-82-173	2500522268		103		SORENSEN 7-8-T31N-R19E	BOWES	37.0	NORTHERN NATURAL
8339027	6-82-177	2500522155		108		WILLIAMSON 8-4-T31N-R18E	TIGER RIDGE GAS UNIT	13.0	NORTHERN NATURAL
OKLAHOMA CORPORATION COMMISSION									
-AMERADA HESS CORPORATION				RECEIVED:	05/31/83	JA: OK			
8339090	19310	3504321217		103		THOMSEN UNIT #2	PUTNAM-MORROW	146.0	MICHIGAN WISCONSI
-AMERICAN EXPLORATION & DEVELOPMENT				RECEIVED:	05/31/83	JA: OK			
8339114	21949	3514300000		103		KETCHUM #1	LIBERTY MOUNDS	148.0	PHILLIPS PETROLEU
8339097	21850	3514300000		103		MCCOY #1	LIBERTY MOUNDS	80.0	PHILLIPS PETROLEU
-ANADARKO PRODUCTION COMPANY				RECEIVED:	05/31/83	JA: OK			
8339035	22071	3500321004		103		BUCK A 1-36	LAMBERT S E	15.0	PIONEER GAS PRODU
8339039	22094	3513921105		108		CITIES SERVICE M #1	GOFF CREEK	19.0	PANHANDLE EASTERN
-ARCO OIL AND GAS COMPANY				RECEIVED:	05/31/83	JA: OK			
8339092	20313	3511922016		102-4		MORRIS - KENSLOW #1	N W STILLWATER AIRPOR	18.5	ARCO OIL & GAS CO
-ARKOMA PRODUCTION CO				RECEIVED:	05/31/83	JA: OK			
8339118	22083	3506120581		103		HORTON #1	KINTA	500.0	OKLAHOMA GAS & EL
-BOGERT OIL CO				RECEIVED:	05/31/83	JA: OK			
8339127	22156	3509322592		103		FAST #1-20	SOONER TREND	147.0	PHILLIPS PETROLEU
-BUNKER EXPLORATION CO				RECEIVED:	05/31/83	JA: OK			
8339099	21879	3505121273		103		BERTHA FRICK 3-23	SE CHITWOOD	450.0	
8339106	20265	3501922460		102-4		STRADER #1-8		0.0	LONE STAR GAS CO
-C J CASSELMAN				RECEIVED:	05/31/83	JA: OK			
8339061	22028	3511123687		108		BOGIE 2-A	MORRIS	18.3	PHILLIPS PETROLEU
8339060	22027	3511123689		108		BOGIE 4-A	MORRIS	18.3	PHILLIPS PETROLEU
8339059	22026	3511123725		108		BOGIE 5-A	MORRIS	18.3	PHILLIPS PETROLEU
8339084	22032	3511123737		103		KENNEDY #2	MORRIS	18.3	PHILLIPS PETROLEU
8339085	22033	3511124120		103		KENNEDY #3	MORRIS	18.3	PHILLIPS PETROLEU
8339058	22025	3511123825		108		KING 1-A	MORRIS	18.3	PHILLIPS PETROLEU
8339057	22024	3511123816		108		KING 2-A	MORRIS	18.3	PHILLIPS PETROLEU
8339063	22030	3511123690		108		KINZER #1	MORRIS	18.3	PHILLIPS PETROLEU

BILLING CODE 6717-01-M

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME			FIELD NAME	PROD	PURCHASER
8339062	22029	3511123691		108		KINZER #2			MORRIS	18.3	PHILLIPS PETROLEU
8339065	22034	3511123722		108		ROBERTSON #2			MORRIS	18.3	PHILLIPS PETROLEU
8339064	22031	3511123724		108		ROBERTSON #3			MORRIS	18.3	PHILLIPS PETROLEU
-CHEYENNE EXPLORATION INC				RECEIVED:	05/31/83	JA: OK					
8339111	20345	3504723697		102-4		POSPISIL #1			WEST GARBER	300.0	CHAMPLIN PETROLEU
8339110	20344	3504723018		102-4		ROWE #1			WEST GARBER	50.0	CHAMPLIN PETROLEU
-CIMARRON MANAGEMENT CORP				RECEIVED:	05/31/83	JA: OK					
8339086	22045	3511721709		103		SPARKS #2			HALLETT	9.0	EMPIRE PIPELINE C
-CITIES SERVICE COMPANY				RECEIVED:	05/31/83	JA: OK					
8339128	22116	3513920327		108		STONEBRAKER AX #1			SOUTH GUYMON	6.5	NORTHERN NATURAL
-CUMMINGS OIL CO				RECEIVED:	05/31/83	JA: OK					
8339108	21889	3507322026		103		HASLEY #2-1				0.0	CONOCO INC
-DAVIS OIL COMPANY				RECEIVED:	05/31/83	JA: OK					
8339081	21969	3508720845		103		LENA MAE #1			WALNUT CREEK	0.0	LONE STAR GAS CO
-DECK OIL CO				RECEIVED:	05/31/83	JA: OK					
8339083	22010	3505320448		108		ROY WILLIAMSON #1				7.9	FARMLAND INDUSTRI
-DOAK OIL INC				RECEIVED:	05/31/83	JA: OK					
8339080	21968	3513120655		108		FRASIER "B" #1				2.9	DIAMOND "S" GAS S
-DONALD C SLAWSON				RECEIVED:	05/31/83	JA: OK					
8339107	20320	3515121299		102-4		HULL #1-12			M E CAMPBELL	50.0	PANHANDLE EASTERN
-DYNE EXPLORATION CO				RECEIVED:	05/31/83	JA: OK					
8339112	21882	3511100008		103		WILDLIFE #1			COALTON	4.0	PHILLIPS PETROLEU
8339128	22992	3511100000		108		WILDLIFE #2			COALTON	7.3	PHILLIPS PETROLEU
-E F WALDEN				RECEIVED:	05/31/83	JA: OK					
8339093	21484	3512322185		103		HOLMES #1			FRANCIS DISTRICT	0.0	ARKANSAS LOUISIAN
-ENERGY RESERVES GROUP INC				RECEIVED:	05/31/83	JA: OK					
8339122	22126	3504520697		108		MARK MILLER #1			SOUTH PEAK	16.1	PANHANDLE EASTERN
-ENNEX PRODUCTION COMPANY				RECEIVED:	05/31/83	JA: OK					
8339089	19032	3503920356		107-DP		MYERS #1			M E ANTHON	1298.0	MICHIGAN WISCONSI
-ENTEX PETROLEUM INC				RECEIVED:	05/31/83	JA: OK					
8339036	22078	3508320779		103		WILLIAM DRR #1			M W RUSSELL	5.0	EASON OIL CO
-EXXON CORPORATION				RECEIVED:	05/31/83	JA: OK					
8339044	21908	3501722058		103		A HARTSELL #1L			NW YUKON	1.0	
-F C D OIL CORP				RECEIVED:	05/31/83	JA: OK					
8339096	21815	3508121814		103		BANDIMERE 1-29			S W WELLSTON	138.7	PDLL GAS INC
-FOSSIL OIL & GAS INC				RECEIVED:	05/31/83	JA: OK					
8339119	22121	3504722874		103		MOORE NO 1-1				55.0	FARMLAND INDUSTRI
-HADSON PETROLEUM CORP				RECEIVED:	05/31/83	JA: OK					
8339069	21918	3505121336		103		SPARKS #1-25			M W DIBBLE	365.0	
-HARPER OIL COMPANY				RECEIVED:	05/31/83	JA: OK					
8339130	22111	3507323656		103		CHRIS #1			SOONER TREND	20.0	MUSTANG FUEL CORP
-HAWKINS OIL & GAS INC				RECEIVED:	05/31/83	JA: OK					
8339115	22004	3515321375		103		VASSAR #1-3 T			SOUTH-WOODWARD	246.3	OKLAHOMA GAS & EL
8339116	22005	3515321375		103		VASSAR #1-3C			SOUTH WOODWARD	109.0	OKLAHOMA GAS & EL
-HOLD OIL CORP				RECEIVED:	05/31/83	JA: OK					
8339072	21922	3512321848		103		CHARLES SHOCKLEY #16-11			ALLEN	30.0	BOETTCHER OIL & G
8339073	21923	3512321850		103		CHARLES SHOCKLEY #17-11			ALLEN	400.0	ARKANSAS LOUISIAN
8339070	21920	3512321270		103		CHARLES SHOCKLEY #2-11			ALLEN	50.0	BOETTCHER OIL & G
8339071	21921	3512321588		103		CHARLES SHOCKLEY #6-11			ALLEN	50.0	BOETTCHER OIL & G
8339074	21924	3512321851		103		CHARLES SHOCKLEY 10-11			ALLEN	130.0	BOETTCHER OIL & G
-JET OIL COMPANY				RECEIVED:	05/31/83	JA: OK					
8339067	22047	3504723063		103		CLINE #1			WILSON	32.0	EASON OIL CO
8339066	22046	3504720323		103		HAKEN "C" #2			WILSON	18.0	EASON OIL CO
8339088	22049	3504723112		103		PHARES "D" #1			WILSON	13.0	EASON OIL CO
8339087	22048	3504723116		103		VOGEL #1			WILSON	36.0	EASON OIL CO
-JOHN S TABER				RECEIVED:	05/31/83	JA: OK					
8339101	16436	3508120840		103		FREEMAN #1			DAVENPORT	220.0	MERIDIAN ENERGY I
8339102	16438	3508120829		103		MATTHEWS #1			DAVENPORT	550.0	MERIDIAN ENERGY I
8339103	16441	3508120838		103		TIPTON #1			DAVENPORT	365.0	MERIDIAN ENERGY I
-KAISER-FRANCIS OIL COMPANY				RECEIVED:	05/31/83	JA: OK					
8339113	21828	3515320479		108		E F MOORE #1-27			CHIMNEY ROCK	12.0	CITIES SERVICE GA
8339123	22152	3504721041		108		FLOYD HOOVER #1-1			M E ENID	15.0	GRACE PETROLEUM C
8339105	19593	3505121305		102-4	103	MORSE #2-36			CHICKASHA	684.0	ARKANSAS LOUISIAN
8339125	22135	3504720557		108		ROGGOW #1-1			E ENID	18.0	GRACE PETROLEUM C
-L G WILLIAMS OIL COMPANY INC				RECEIVED:	05/31/83	JA: OK					
8339068	18650	3512920544		107-DP		FRANKLIN 1-16			WEST DEMPSEY	0.0	
-LIBERTY EXPLORATION CO				RECEIVED:	05/31/83	JA: OK					
8339034	22068	3509120497		103		J H KNOTT #1				250.0	SWAB CORP
8339077	21963	3508121847		103		KRIEL #1				0.0	SUN EXPLORATION &
-MEWBOURNE OIL COMPANY				RECEIVED:	05/31/83	JA: OK					
8339117	22087	3500722347		103		WINTERS #1			COMO (MORROW LOWER)	10.0	PHILLIPS PETROLEU
-PHILLIPS PETROLEUM COMPANY				RECEIVED:	05/31/83	JA: OK					
8339094	21490	3513900000		108		BACON #1			OKLAHOMA HUGOTON - DO	0.0	PANHANDLE EASTERN
8339104	04296	3504900000		108		HART UNIT 01-20			GOLDEN TREND	3.6	WARREN PETROLEUM
8339045	21890	3504723181		103		MCKNIGHT A #3			SOONER TREND	0.0	TRANSOK PIPELINE
-RALPH E PLOTNER OIL & GAS INVEST IN				RECEIVED:	05/31/83	JA: OK					
8339078	21947	3507323660		103		PLOTNER-SMITH #1				56.6	PHILLIPS PETROLEU
-RED EAGLE OIL CO				RECEIVED:	05/31/83	JA: OK					
8339040	22096	3500320815		103		HELEN #1			M E CAPRON	15.0	RAW ENERGY INC
-RICHARDSON CONSTRUCTION				RECEIVED:	05/31/83	JA: OK					
8339041	22118	3511123133		108		CHANCEY #2			BRYANT	1.1	PHILLIPS PETROLEU
-RICK BUCK				RECEIVED:	05/31/83	JA: OK					
8339037	22089	3501721987		108		DICKERSON #1-3			SOONER TREND	11.0	CONOCO INC
8339038	22094	3507321878		103		LAMKARD #1-25			SOONER TREND	20.0	CITIES SERVICE GA
-ROBINSON BROS DRILLING CO INC				RECEIVED:	05/31/83	JA: OK					
8339091	20306	3510920499		103		PATSY ANN #33-1			WHEATLAND	11.0	MOBIL OIL CORP
-ROY EDWARDS & CO INC				RECEIVED:	05/31/83	JA: OK					
8339075	21931	3511922110		103		EDWARDS A #8				0.0	SUN GAS TRANSMISS
-ROYE REALTY & DEVELOPMENT INC				RECEIVED:	05/31/83	JA: OK					
8339048	21960	3506120557		103		CONKLIN #1				208.8	ARKANSAS LOUISIAN
8339052	21964	3506120056		103		DIXON #1				182.5	ARKANSAS LOUISIAN
8339051	21963	3506120579		103		MEGAN #1				0.0	ARKANSAS LOUISIAN
8339049	21961	3506100000		103		POWELL #1				127.8	ARKANSAS LOUISIAN
8339050	21962	3506120562		103		PUGH #1				164.2	ARKANSAS LOUISIAN
-RUSCO PETROLEUM				RECEIVED:	05/31/83	JA: OK					
8339095	21617	3511100000		103		WILSON #2				0.0	PHILLIPS PETROLEU
-SAMEDAN OIL CORPORATION				RECEIVED:	05/31/83	JA: OK					
8339042	24352	3501521512		107-DP		KARDOKUS #1-12			N EAKLY	1200.0	EL PASO NATURAL G
-SANDSTONE RESOURCES INC				RECEIVED:	05/31/83	JA: OK					
8339126	22153	3510321822		103		MARY RUTH #3			TONKAWA	50.4	SUN GAS CO
-SANGUINE LTD				RECEIVED:	05/31/83	JA: OK					
8339129	24431	3501521510		107-DP		CHRISTIAN #1				408.8	UNITED GAS PIPELI
-SOUTHLAND ROYALTY CO				RECEIVED:	05/31/83	JA: OK					
8339046	21898	3501720971		103		GIBSON #1-3			RICHLAND	8.0	PHILLIPS PETROLEU

JD NO	JA DKT	API NO	D	SEC(1)	SEC(2)	WELL NAME	FIELD NAME	PROD	PURCHASER
-SOUTHWESTERN ENERGY PRODUCTION CO				RECEIVED:	05/31/83	JA: OK			
8339043	21899	3508720678		103		STERLING #1		0.0	SUN GAS CO
-SPRING TIDE PETROLEUM INC				RECEIVED:	05/31/83	JA: OK			
8339124	22134	3511123414		103		KOERNER A LEASE WELL #1	NORTH BEGGS	30.6	PHILLIPS PETROLEU
-SUNDANCE ENERGY CORP				RECEIVED:	05/31/83	JA: OK			
8339109	20338	3504723103		102-4		WILD TURKEY #1		34.7	FARMLAND INDUSTRI
-TENNECO OIL COMPANY				RECEIVED:	05/31/83	JA: OK			
8339047	21956	3510321705		103		S E L E C S U #2-5	SOUTH LONE ELM	25.0	AMINOIL U S A INC
8339054	21980	3510321826		103		SOUTH LONE ELM CLEVELAND SAND #82	SOUTH LONE ELM	4.0	AMINOIL U S A INC
8339053	21979	3510321831		103		SOUTH LONE ELM CLEVELAND SAND #83	SOUTH LONE ELM	10.0	AMINOIL U S A INC
8339055	21983	3510321811		103		SOUTH LONE ELM CLEVELAND SAND #89	SOUTH LONE ELM	48.0	AMINOIL U S A INC
8339056	21986	3510321770		103		SOUTH LONE ELM CLEVELAND SAND #92	SOUTH LONE ELM	20.0	AMINOIL U S A INC
-TOLTEC OIL AND GAS INC				RECEIVED:	05/31/83	JA: OK			
8339123	22122	3508121835		103		WILLIAM TIPTON 1-24	DAVENPORT	36.0	MERIDIAN ENERGY I
-TRIGG DRILLING COMPANY INC				RECEIVED:	05/31/83	JA: OK			
8339079	21958	3508720848		103		ROY DEAN #1	WALNUT CREEK	180.0	LONE STAR GAS CO
-TRISUN ENERGY CORP				RECEIVED:	05/31/83	JA: OK			
8339098	21866	3514322212		103		FRANK M SCAGGS #2	SPENCER	48.0	PHILLIPS PETROLEU
-TXO PRODUCTION CORP				RECEIVED:	05/31/83	JA: OK			
8339108	20336	3506120518		102-2	103	FOREMAN "A" #1	BROOKEN	130.0	
-VIERSEN & COCHRAN				RECEIVED:	05/31/83	JA: OK			
8339082	21991	3509322614		103		BARNARD #3-10	M W OKEENE	180.0	PHILLIPS PETROLEU
-WESSELY ENERGY CORPORATION				RECEIVED:	05/31/83	JA: OK			
8339076	21940	3508720817		103		CALVERT #1-11 087-77995	WILDCAT	22.0	SUN EXPLORATION &

WEST VIRGINIA DEPARTMENT OF MINES

-CABOT OIL & GAS CORP				RECEIVED:	05/31/83	JA: WV			
8338982		4704700762		108		POCAHONTAS LAND D-2	SANDY RIVER	14.6	CONSOLIDATED GAS
-CONSOLIDATED GAS SUPPLY CORPORATION				RECEIVED:	05/31/83	JA: WV			
8338952		4704700859		103		POCAHONTAS LAND CO 12714	ADKIN DISTRICT	7.0	GENERAL SYSTEM PU
8338963		4704700603		108		POCAHONTAS LAND CORP 11606	NORTH FORK	17.0	GENERAL SYSTEM PU
-CONTINENTAL PETROLEUM CO				RECEIVED:	05/31/83	JA: WV			
8338953		4708701711		108		GILLESPIE #1	CHAPEL-GERMAN	20.0	CONSOLIDATED GAS
8339024		4702105913		107-DV		JACK LOWTHER #3-A	GLENVILLE NORTH	37.0	CONSOLIDATED GAS
-D C MALCOLM INC				RECEIVED:	05/31/83	JA: WV			
8339019		4703903846		107-DV		CLAIR S JACKSON #1	CLENDENIN	35.0	COLUMBIA GAS TRAN
8339008		4707901088		107-DV		GLADYS ROLLINS #2	BURDETTE ST ALBANS	35.0	COLUMBIA GAS TRAN
8339018		4708703510		107-DV		HUFFMAN HEIRS #1	AIRIA-LOONEYVILLE	31.0	COLUMBIA GAS TRAN
-ENERGEX OIL & GAS CORP				RECEIVED:	05/31/83	JA: WV			
8339016		4707301510		107-DV		A E CORNELL #2	JEFFERSON DISTRICT	30.0	CONSOLIDATED GAS
-FRANCIS E CAIN				RECEIVED:	05/31/83	JA: WV			
8338995		4701303166		108		CAIN-RIDDLE #10 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338994		4701303530		108		CAIN-RIDDLE #11 CONTRACT #: 1-042B	CENTER	0.0	CABOT CORP
8338962		4701303531		108		CAIN-RIDDLE #13 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338999		4701303532		108		CAIN-RIDDLE #14 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338998		4701303533		108		CAIN-RIDDLE #15 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338992		4701303136		108		CAIN-RIDDLE #3 CONTRACT #: 1-042B	CENTER	0.0	CABOT CORP
8338991		4701303137		108		CAIN-RIDDLE #4 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338984		4701302946		108		CAIN-RIDDLE #5 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338990		4701303163		108		CAIN-RIDDLE #6 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338989		4701303164		108		CAIN-RIDDLE #7 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338996		4701303165		108		CAIN-RIDDLE #8 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338983		4701302949		108		CAIN-RIDDLE #9 CONTRACT #1-042B	CENTER	0.0	CABOT CORP
8338993		4701303134		108		HENRY LYNCH #3 CONTRACT: 146	LEE DISTRICT	0.0	CABOT CORP
8338985		4701302941		108		HENRY LYNCH #4 CONTRACT 146	LEE DISTRICT	0.0	CABOT CORP
8338997		4701300292		108		HENRY LYNCH #5 CONTRACT 146	LEE DISTRICT	0.0	CABOT CORP
8338988		4701300536		108		HENRY LYNCH #6 CONTRACT 146	LEE DISTRICT	0.0	CABOT CORP
8338986		4701301072		108		HENRY LYNCH #7 CONTRACT 146	LEE DISTRICT	0.0	CABOT CORP
8338987		4701300751		108		SNIDER #1	SHERIDAN DISTRICT	0.0	CABOT CORP
-GENE STALNAKER INC				RECEIVED:	05/31/83	JA: WV			
8338954		4702103818		103		COX HEIRS B-57-1	GLENVILLE DISTRICT	0.0	COLUMBIA GAS TRAN
8338955		4702103818		107-DV		COX HEIRS B-57-1	GLENVILLE DISTRICT	0.0	COLUMBIA GAS TRAN
-HAUGHT INC				RECEIVED:	05/31/83	JA: WV			
8338964		4708504819		108		DANIEL DONNELLY H-999	GRANT DISTRICT	20.0	CONSOLIDATED GAS
-JAMES F SCOTT				RECEIVED:	05/31/83	JA: WV			
8339017		4701703122		107-DV		CHARLES JOHNSTON S-417	MCCLELLAN	18.0	COLUMBIA GAS TRAN
8339022		4701703088		107-DV		HAYWARD VARNER S-403	MCCLELLAN	18.0	COLUMBIA GAS TRAN
-L & M PETROLEUM INC				RECEIVED:	05/31/83	JA: WV			
8339006		4709500842		107-DV		VIOLET GREGG #2	UNION	12.0	COLUMBIA GAS TRAN
-LEWIS OIL & GAS CO				RECEIVED:	05/31/83	JA: WV			
8338959		4708501998		108		LEWIS OIL & GAS	DOROTHY L LEWIS	0.0	PENNZOIL CO
-PETROLEUM DEVELOPMENT CORP				RECEIVED:	05/31/83	JA: WV			
8338974		4703300514		108		DUNKIN BATSON #1	BRIDGEPORT	0.0	CONSOLIDATED GAS
8338977		4703300533		108		DUNKIN BATSON #1005	BRIDGEPORT	22.0	CONSOLIDATED GAS
8338966		4703300488		108		PARIS #1	BRIDGEPORT	17.0	CONSOLIDATED GAS
8338976		4703300532		108		PARIS #1006	BRIDGEPORT	56.0	CONSOLIDATED GAS
8338972		4703300493		108		PARIS #2	BRIDGEPORT	17.0	CONSOLIDATED GAS
8338979		4703300581		108		PARIS #2005	BRIDGEPORT	0.0	CONSOLIDATED GAS
8338981		4703300513		108		PARIS #4	BRIDGEPORT	34.0	CONSOLIDATED GAS
8338975		4703300515		108		PARIS #5	BRIDGEPORT	25.0	CONSOLIDATED GAS
8338973		4703300516		108		PARIS #6	BRIDGEPORT	32.0	CONSOLIDATED GAS
8338971		4703300522		108		PARIS #7	BRIDGEPORT	22.0	CONSOLIDATED GAS
8338969		4703300512		108		J J LANG #1	BRIDGEPORT	27.0	CONSOLIDATED GAS
8338980		4703300660		108		JOHN SNIDER #1	BRIDGEPORT	25.0	CONSOLIDATED GAS
8338970		4703300518		108		MCKINLEY HEIRS #2	BRIDGEPORT	18.0	CONSOLIDATED GAS
8338967		4703300413		108		NOAH PARKS #1	BRIDGEPORT	7.0	CONSOLIDATED GAS
8338968		4703300487		108		STELLA CRIM #1	BRIDGEPORT	12.0	CONSOLIDATED GAS
8338978		4703300573		108		STOUT MCDONALD HEIRS #2004	BRIDGEPORT	0.0	CONSOLIDATED GAS
8338965		4703300529		108		WAGONER #1002	BRIDGEPORT	36.0	CONSOLIDATED GAS
-RIMROCK PRODUCTION CORP				RECEIVED:	05/31/83	JA: WV			
8339021		4708505797		107-DV		CASSIDY #1	DOG COMFORT RUN	38.3	COLUMBIA GAS TRAN
-ROSS-WHARTON GAS CO				RECEIVED:	05/31/83	JA: WV			
8338960		4708300717		107-DV		BILL #1		37.5	COLUMBIA GAS TRAN
8338961		4708300731		107-DV		LOFTIS #3		37.5	COLUMBIA GAS TRAN
8338958		4704102978		108		SPIKER #1	JANE LEW	40.0	CONSOLIDATED GAS
-SENECA-UPSHUR PETROLEUM CO				RECEIVED:	05/31/83	JA: WV			
8339001		4705900984		107-DV		C-15	HARDEE HARVEY	35.0	COLUMBIA GAS TRAN
8339003		4705900985		107-DV		C-19	HARDEE HARVEY	35.0	COLUMBIA GAS TRAN
8339000		4705900993		107-DV		C-27	HARDEE	35.0	COLUMBIA GAS TRAN
8339005		4705900998		107-DV		C-28	HARDEE	35.0	COLUMBIA GAS TRAN
8339004		4705900996		107-DV		C-29	HARDEE	35.0	COLUMBIA GAS TRAN
8339002		4705900990		107-DV		C-8	HARDEE HARVEY	35.0	COLUMBIA GAS TRAN
-THOMAS ROGERS & ASSOCIATES				RECEIVED:	05/31/83	JA: WV			
8339007		4708506066		107-DV		BIRD #1	CAINS RUN	73.0	COLUMBIA GAS TRAN
-TIARA INC				RECEIVED:	05/31/83	JA: WV			
8339020		4708505408		107-DV		BUTLER (1) 100 ACRES	GRANT DISTRICT	0.0	CONSOLIDATED GAS
-TRIPPITT OIL & GAS				RECEIVED:	05/31/83	JA: WV			
8338957		4701303412		108		B B SHIMER #3	YELLOW CREEK	12.0	ROARING FORK GAS
8338956		4701303413		108		B B SHIMER #4	YELLOW CREEK	12.0	ROARING FORK GAS
-WACO OIL AND GAS CO INC				RECEIVED:	05/31/83	JA: WV			
8339023		4702103919		107-DV		BLACK #2A	ELLIS RUN	15.0	COLUMBIA GAS TRAN
-WAYMAN W BUCHANAN				RECEIVED:	05/31/83	JA: WV			
8339010		4703501700		107-DV		AUSTIN #3	MIDWAY - EXTRA	0.0	CABOT CORP
8339015		4708505715		107-DV		METZ #3	MIDWAY	0.0	CONSOLIDATED GAS
8339014		4703501702		107-DV		MORRIS #1	MIDWAY-EXTRA	0.0	CABOT CORP
8339012		4703501718		107-DV		MORRIS #4	MIDWAY - EXTRA	0.0	CABOT CORP
8339011		4703501705		107-DV		MORRIS #5	MIDWAY - EXTRA	0.0	CABOT CORP
8339009		4703501703		107-DV		SCHOLL #1	MIDWAY-EXTRA	0.0	CABOT CORP
8339013		4703501710		107-DV		SCHOLL #2	MIDWAY-EXTRA	0.0	CABOT CORP

[FR Doc. 83-16727 Filed 6-21-83; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.) Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

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